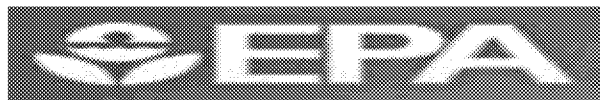


Message

From: R3Press [R3Press@epa.gov]
Sent: 9/15/2021 10:06:50 AM
To: Landis, Jeffrey [Landis.Jeffrey@epa.gov]
Subject: FW: Region 3 - Philadelphia Daily News Alert

From: Cision Subscriber <noreply@cision.com>
Sent: Wednesday, September 15, 2021 10:03:48 AM (UTC+00:00) Monrovia, Reykjavik
To: R3Press <R3Press@epa.gov>
Subject: Region 3 - Philadelphia Daily News Alert



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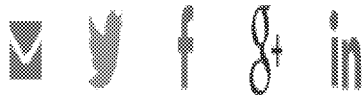
Broadcast

Tu-95 to get onto the Wilson bridge he will find in Virginia slowing at Springfield headed up on 3 95 North after Duke Street directly in the left playing 66 East, we as slowing masses into center field near the Beltway but inbound 66 on the Roosevelt bri

Tu-95 to get onto the Wilson bridge he will find in Virginia slowing at Springfield headed up on 3 95 North after Duke Street directly in the left playing 66 East, we as slowing masses into center field near the Beltway but inbound 66 on the Roosevelt brid...

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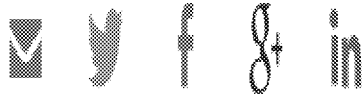


So Let's talk about all of this and whatever else they deal in your mind got caught me why 7.5 3 to 5.9 7.8 7.5 3 to 5.9 7 nme byway of announcements today. Don't forget to watch politics nation with Al Sharpton. Saturdays and sundays, 5 PM eastern time o

even ask question there's grandstanding stand all kind of stuff. And so far it looks like the weather that Stone pragmatic is certainly was not a perfect Infante was a fraud withdrawal. But the question is should the US state been that 20 year supposedly t...

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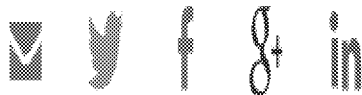


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Of Justice in Manaus now publicly into policy's emitting circumstances in which federal law enforcement can use chokeholds and movement and no not in and what the Department of Justice's has written a department-wide policy explicit lead for rit prohibitin...

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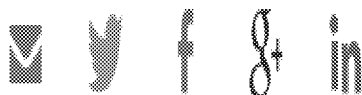


breaking down a little bit and we don't have that capacity to even self heal anymore. And so I think that acknowledging that we are right on this on on sort of the edge of this new opportunity to make meaningful changes, you know, we can we can be mindful

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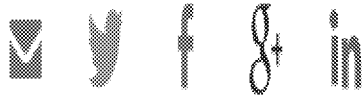
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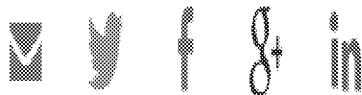


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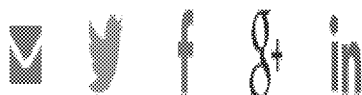


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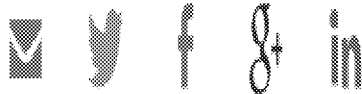
Online

AgBiome Raises \$116 Million Led By Blue Horizon and Novalis LifeSciences

...2022, and recently submitted its third product, Esendo™ Fungicide for **EPA** registration. Starting with biological fungicides and...

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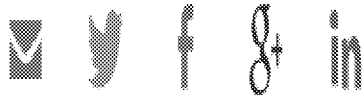


U.S. Lead Acid Battery Market 2019 Brief Analysis By Trends, Growth And Future Estimations Till 2025 | Grand View Research, Inc.

...required to meet the Hazardous Waste Recycling Regulations by the U.S. **EPA**. Carbon black additives improve mechanical properties and...

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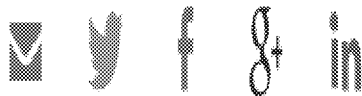


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...2022, and recently submitted its third product, Esendo™ Fungicide for **EPA** registration. Starting with biological fungicides and...

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NJ beach weather and waves: Jersey Shore Report for Tue 9/14

...(weather), National Ocean Service (tides), U.S. Naval Observatory (sun), and the U.S. **Environmental Protection** Agency (UV index).

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U.S. Lead Acid Battery Market 2019 Brief Analysis By Trends, Growth And Future Estimations Till 2025 | Grand View Research, Inc.

...required to meet the Hazardous Waste Recycling Regulations by the U.S. **EPA**. Carbon black additives improve mechanical properties and...

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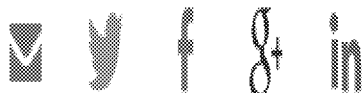
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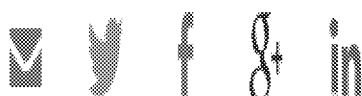


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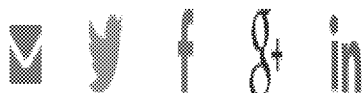


Matinas BioPharma Announces Webcast of Presentation at the H.C. Wainwright Global Investment ...

...omega-3 fatty acid-based composition, comprised primarily of **EPA** and DPA, intended for the treatment of cardiovascular and...

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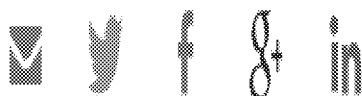


ServLine Leak Protection Program Passes \$20 Million Savings Milestone for Utilities

The U.S. **Environmental Protection** Agency (**EPA**) estimates that at least ten percent of homes in the U.S. have a water leak...

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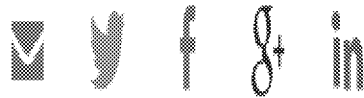


Black Bird Biotech Announces First Sales of Disruptive Plant-Based MiteXstream™ Biopesticide, Prepares for Fourth Quarter Marketing Push Within Cannabis Industry

...market segments with powerful, re-imagined biotech products. Its **EPA**-registered biopesticide, MiteXstream™, eradicates mites...

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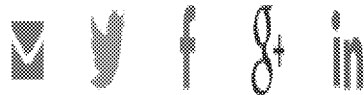


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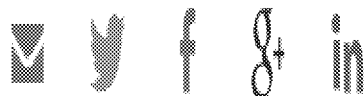


Aphex BioCleanse Systems Issued Patent for Sustainable, Reusable Open-Cell Foams for Disinfection of Air, Water, and Surfaces

...Open-Cell BioFoam™, when used in conjunction and/or infused with any **EPA**-registered disinfectant, does not deactivate disinfectant...

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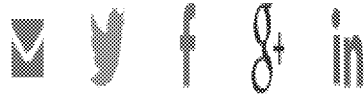


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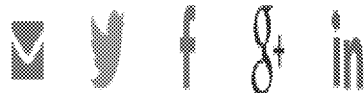


No bull: Scientists potty train cows to use 'MooLoo'

...oxide comprised 7% of all the U.S. greenhouse gases, according to the **Environmental Protection Agency**. "I am not surprised..."

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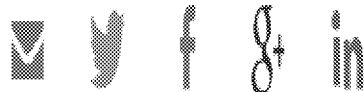


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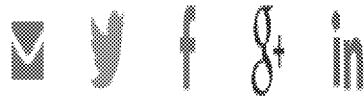


Waste to Energy (WtE) Market Report 2021-2031: Visiongain Research Inc

...decline in gas emissions achieved by the US WTE sector as a result of the US **EPA's** Maximum Available Control Technology regulations,...

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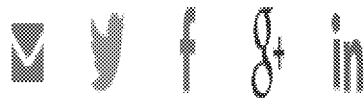


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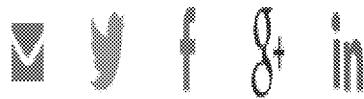


Global Offshore Oil & Gas Decommissioning Market is Projected to Reach a Market value of US\$17,099 Million by 2031: Visiongain Research Inc

...EngineeringDeepOcean GroupAF Gruppen ASA AF8 (FRA)Bureau Veritas SA BVI (**EPA**) Get Detailed TOC @...

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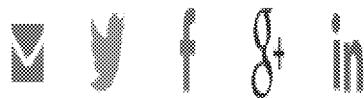


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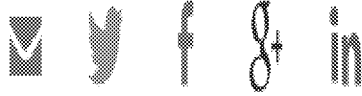


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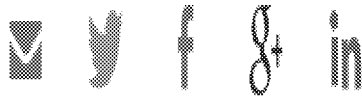


Bona Receives U.S. EPA's Safer Choice Certification for Six Products

...Recently, the company received Safer Choice certification from the **Environmental Protection Agency (EPA)** for six of its...

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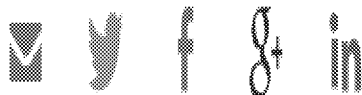


Democrats Block Rep. Scalise Amendment Prohibiting Increase in Electricity Costs for American Hospitals

...natural gas tax in the underlying bill from going into effect until the **Environmental Protection Agency** can ensure that it...

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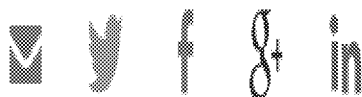


Aqua Announces Recovery of Pickering West Water Treatment Plant

...can find more ways to save water at AquaWaterSmart.com and at the U.S. **Environmental Protection Agency's** WaterSense site....

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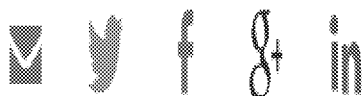


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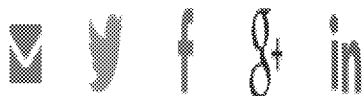


President Biden turns to Colorado to pitch investments in clean energy

...sharing satellite imagery, help detect and monitor fire growth. And the E. P. A. Is using new technology to deliver fire smoke...

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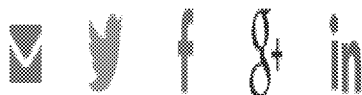


Axonius Unveils U.S. Federal Government Subsidiary with Former DoD, DHS, Lockheed, NASA Leaders

...Martin Renee Wynn, CEO, RP Wynn Consulting; former CIO, NASA and **EPA** "As cybersecurity modernization has become a national...

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...Lockheed MartinRenee Wynn, CEO, RP Wynn Consulting; former CIO, NASA and **EPA** "As cybersecurity modernization has become a national...

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St. Johnsbury votes on \$5.4 million bond to renovate armory

...has reported. The town has already received a \$500,000 grant from the U.S. **Environmental Protection** Agency and officials say...

Source Titusville Herald - Sep 14, 2021

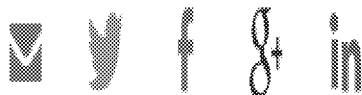
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUEST TO RELEASE CONSERVATION RESTRICTION PUBLIC HEARING TAKE NOTICE

NEW JERSEY DEPARTMENT OF **ENVIRONMENTAL PROTECTION** REQUEST TO
RELEASE CONSERVATION RESTRICTION PUBLIC HEARING TAKE NOTICE that, in...

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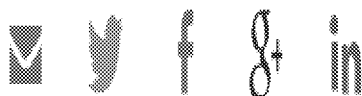


Wildfire smoke continues to fill the sky Tuesday, when will it end?

...aloft, issues with ground level pollutants remain low. The United States **Environmental Protection** Agency reports that New...

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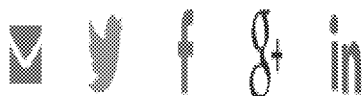


Courtland files another lawsuit against Union Carbide for pollution into Kanawha River

...month, UCC agreed to a consent order from the West Virginia Department of **Environmental Protection** that focused on making sure the...

Source The West Virginia Record Online - Sep 14, 2021

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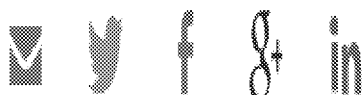


EDF Renewables North America and MEAG/Munich Re Agree to Partner in Two US Renewable Energy Projects in the United States

...Census Data and typical transmission assumptions. 2 According to U.S. **EPA** Greenhouse Gas Equivalencies calculations and typical...

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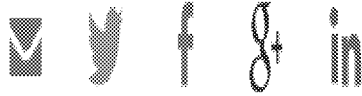


Park Hopper Challenge highlights Westmoreland County's recreational opportunities

...the Department of Environmental Resources is split into the Department of **Environmental Protection** and the Department of...

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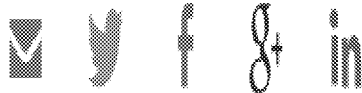


Commission for Environmental Cooperation Launches 'EJ4Climate', US\$2 Million Environmental Justice and Climate Resilience Grant Program

...and Indigenous communities across North America. Initiated by the US **Environmental Protection Agency (EPA)**, the CEC...

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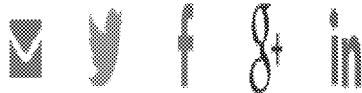


P&G Accelerates Action on Climate Change Toward Net Zero GHG Emissions by 2040

...electricity by already purchasing 97% globally. In 2021, the United States **Environmental Protection Agency** recognized P&G as...

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EDF Renewables North America and MEAG/Munich Re Agree to Partner in Two US Renewable Energy Projects in the United States

...Census Data and typical transmission assumptions. 2 According to U.S. **EPA** Greenhouse Gas Equivalencies calculations and typical...

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Stone Harbor Bird Sanctuary to Close Temporarily for Wetland Restoration Project

...considered to be practically non-toxic, as determined by results from **EPA**-required testing. Results from this testing indicate that...

Source Cape May County Herald Online - Sep 14, 2021

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Commission for Environmental Cooperation Launches 'EJ4Climate', US\$2 Million Environmental Justice and Climate Resilience Grant Program

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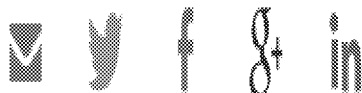
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Allegheny County's transition to electric buses depends on finding more money

...the end of 2023 thanks in large part to a \$5.7 million grant from the U.S. **Environmental Protection Agency** and a \$5.15 million...

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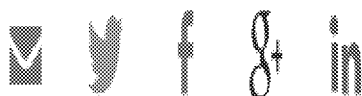


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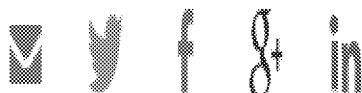


President Biden turns to Colorado to pitch investments in clean energy

...sharing satellite imagery, help detect and monitor fire growth. And the E. P. A. Is using new technology to deliver fire smoke...

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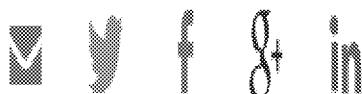


Nanosatellite and Microsatellite Market Growing at a CAGR 20.4% | Key Player Lockheed Martin, L3harris, Sierra Nevada Corporation, Planet Labs, Pumpkin

...data processing in space are now capable of monitoring agriculture, **environmental protection**, and geology down on Earth. This, in...

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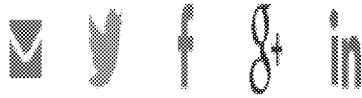


EDF Renewables North America and MEAG/Munich Re Agree to Partner in Two US Renewable Energy Projects in the United States

...U.S. Census Data and typical transmission assumptions. 2 According to U.S. **EPA** Greenhouse Gas Equivalencies calculations and typical...

Source Pittsburgh Post-Gazette Online - Sep 14, 2021

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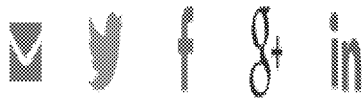


How Accelerating PFAS Regulations are Magnifying Your Business Risk

...Contaminant Level' and 'Hazardous Substance' designation from the **EPA**, which will swiftly strengthen compliance mechanisms....

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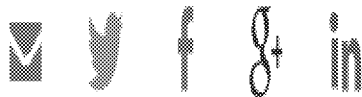


Nanosatellite and Microsatellite Market Growing at a CAGR 20.4% | Key Player Lockheed Martin, L3harris, Sierra Nevada Corporation, Planet Labs, Pumpkin

...data processing in space are now capable of monitoring agriculture, **environmental protection**, and geology down on Earth. This, in...

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Daily on Energy: House Democrats work to keep centrists on board with methane fee

...15 9:30 a.m. 406 Dirksen. The Senate Environment and Public Works Committee will hold a business meeting and hearing on **EPA** nominees.

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...Contaminant Level' and 'Hazardous Substance' designation from the **EPA**, which will swiftly strengthen compliance mechanisms....

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2021 China Guangzhou Construction Expo – HiHaus salutes the future with strength

...It also passed the test of AAMA. Moreover, the raw materials use **environmental protection** profiles that meet European E1...

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Nanosatellite and Microsatellite Market Growing at a CAGR 20.4% | Key Player Lockheed Martin, L3harris, Sierra Nevada Corporation, Planet Labs, Pumpkin

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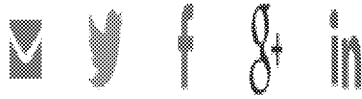
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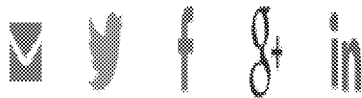


P&G Accelerates Action on Climate Change Toward Net Zero GHG Emissions by 2040

...electricity by already purchasing 97% globally. In 2021, the United States **Environmental Protection** Agency recognized P&G as...

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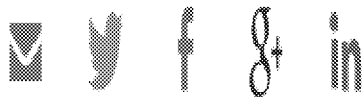


2021 China Guangzhou Construction Expo – HiHaus salutes the future with strength

...It also passed the test of AAMA. Moreover, the raw materials use **environmental protection** profiles that meet European E1...

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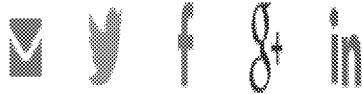


Ransom Township Supervisors send letter of support for solar panels

... • Alliance Landfill is seeking approval from DEP (Department of **Environmental Protection**) to extend hours due to hurricane...

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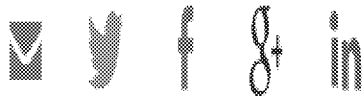


Innovative Chlorine Dioxide Gas Medical Device Sterilizer New on Market

...dioxide gas is non-carcinogenic, non-explosive, and is a United States ***Environmental Protection*** Agency (***EPA***) registered...

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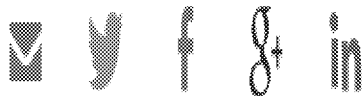


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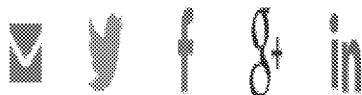


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...dioxide gas is non-carcinogenic, non-explosive, and is a United States ***Environmental Protection*** Agency (***EPA***) registered...

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PyroGenesis Announces \$6 Million Torch Order with Another Major Iron Ore Pelletizer

...Ore Conference 2015 Proceedings, Perth, WA, July 13-15, 2015 3...



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Perspective On America's Infrastructure Plan

...will create dramatic cost savings. I've seen figures from the U.S. **EPA** that indicate as much as 40 percent of operating costs for...

Source Water Online - Sep 14, 2021

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...Ore Conference 2015 Proceedings, Perth, WA, July 13-15, 2015 3...


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Bell: Why AT&T's Proposal is Good for Rural Loudoun County

...or otherwise cause any adverse environmental effects. The National **Environmental Protection** Act (NEPA) and State Historical...

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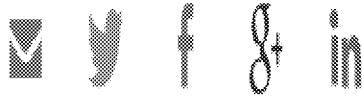
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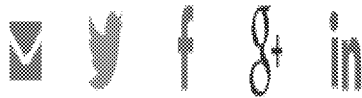


Maggy Rozycki Hiltner, Mont Clare Artist, Explores Industry Practices

...Hiltner, a Mont Clare artist, covers environmental disasters and **EPA** Superfund sites in her work that is part of "Extraction."...

Source MONTCO Today - Sep 14, 2021

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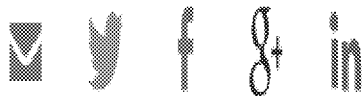


How Accelerating PFAS Regulations are Magnifying Your Business Risk

...Contaminant Level' and 'Hazardous Substance' designation from the **EPA**, which will swiftly strengthen compliance mechanisms....

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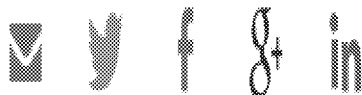


Innovative Chlorine Dioxide Gas Medical Device Sterilizer New on Market

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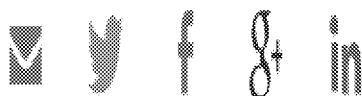


PyroGenesis Announces \$6 Million Torch Order with Another Major Iron Ore Pelletizer

...Ore Conference 2015 Proceedings, Perth, WA, July 13-15, 2015 3...

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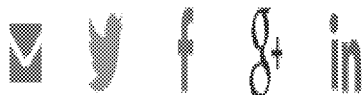


NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF PUBLIC HEARING REQUEST TO AMEND PUBLIC ACCESS EASEMENT TAKE NOTICE THAT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

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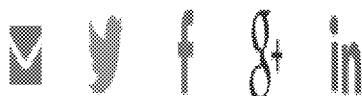


Luzerne County mine taken off polluted list

Luzerne County Luzerne County mine taken off polluted list The **EPA** does not expect
additional waste to be released from the Butler...

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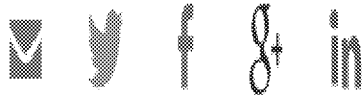


Mold isn't the only problem faced by Middletown, NJ school

...taken, all but eight tested below the lead action level established by the **Environmental Protection** Agency for lead in...

Source WKXW-FM Online - Sep 14, 2021

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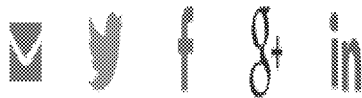


Innovative Jeep® Wrangler 4xe Named to Wards 10 Best Engines and Propulsion Systems

...Wrangler 4xe provides 21 miles of zero-emission all-electric range and is **EPA** rated at 49 miles per gallon-equivalent (MPGe). The...

Source Cerebral-Overload - Sep 14, 2021

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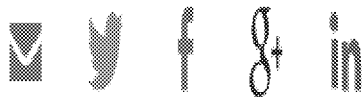


Water Research Institute director updates WV legislators on rare earth recovery efforts, urges law clarifying ownership

...the Water Research Institute is developing with the state Department of **Environmental Protection** to clarify who owns the resources...

Source Charleston Gazette-Mail Online - Sep 14, 2021

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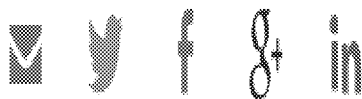


Asbestos Training Alternatives Helps Keep The Asbestos Industry Safe While Training

...Designer, and Asbestos Management Planner all require annual training, per **EPA**, to work in their field. "Finding asbestos training...

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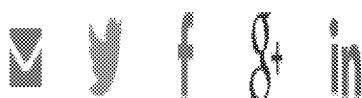


Demolition to begin on ACF property buildings by Thanksgiving

...a certificate of cleanup completion from the West Virginia Department of **Environmental Protection** in early 2022, if not sooner....

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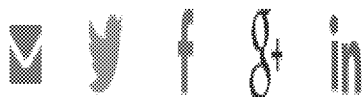


Asbestos Training Alternatives Helps Keep The Asbestos Industry Safe While Training

...Designer, and Asbestos Management Planner all require annual training, per **EPA**, to work in their field. "Finding asbestos training...

Source Ridgway Record - Sep 14, 2021

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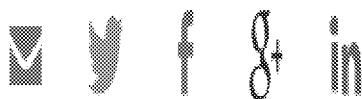


Council OKs emergency NJ bear hunt, but its chance still unlikely

...month. But its prospects remain murky given that Gov. Phil Murphy and his **environmental protection** commissioner would need to sign...

Source WKXW-FM Online - Sep 14, 2021

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Household Hazardous Waste Clean-Up Day set for Saturday

...materials from businesses [This event is for households only, per **EPA** and DEQ regulations.] Unknown or unlabeled containers Large...

Source Augusta Free Press - Sep 15, 2021

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Asbestos Training Alternatives Helps Keep The Asbestos Industry Safe While Training

...Designer, and Asbestos Management Planner all require annual training, per **EPA**, to work in their field. "Finding asbestos training...

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Pittsburgh Water and Sewer Authority sentenced for violating Clean Water Act

...AND ALSO LIED ABOUT DOCUMENTATION ABOUT THE FACTOR OF THE PLANT TO THE **EPA**. HERE'S ATTORNEY SCOTT BRADY SORT OF LAYING OUT WHAT WE...

Source WTAE-TV Online - Sep 15, 2021

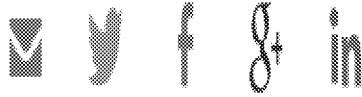
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Rivian vehicles are now ready for sale in all 50 states, following key certifications

...fully certified by the National Highway Traffic Safety Administration, the **Environmental Protection** [...] Rivian vehicles have...

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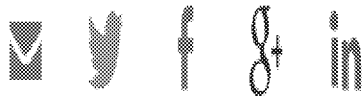


EPA picking up pace of Chesapeake Bay restoration

The U.S. **Environmental Protection** Agency serves a vital role as we coordinate the efforts of federal, state and local partners to...

Source The Star Democrat Online - Sep 15, 2021

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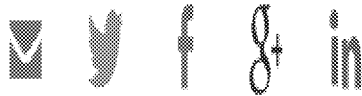


Carlton Waterhouse Is Fighting For Environmental Justice At The EPA - And Getting Called A "Racist"

link to original article Ahead of his Senate confirmation hearing on Wednesday, the environmental lawyer has become a target of the far right's...

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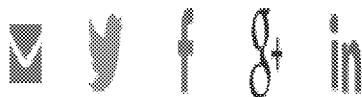


Rivian vehicles are now ready for sale in all 50 states, following key certifications

...fully certified by the National Highway Traffic Safety Administration, the **Environmental Protection** Agency and the California...

Source Punxsutawney Spirit - Sep 15, 2021

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LifeProof Extends Sustainable Case Lineup to New iPhone 13

...Cases, Inc. designs, manufactures and markets cases that provide all-**environmental protection**, functionality and interactivity to...

Source WFMZ-TV Online - Sep 15, 2021

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EPA removes Butler Mine Tunnel from Superfund list

The U.S. **Environmental Protection** Agency has removed the Butler Mine Tunnel, notorious for spewing toxic chemicals into the...

Source The Times-Tribune Online - Sep 15, 2021

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Livestock industry leaders talk hunger, climate at forum

...in climate emissions due to the methane the animals emit. According to the **Environmental Protection** Agency, manure from...

Source Agri-Pulse - Sep 15, 2021

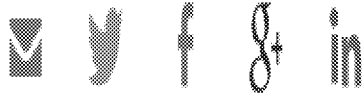
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Rivian vehicles are now ready for sale in all 50 states, following key certifications

...fully certified by the National Highway Traffic Safety Administration, the **Environmental Protection** Agency and the California...

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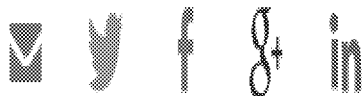


AEP subsidiaries ask WV ratepayers to pick up multimillion-dollar cost burden for plant upgrades denied by KY, VA

...treatment upgrades would require that the plants shutter in 2028, per U.S. **Environmental Protection** Agency rules. The Public...

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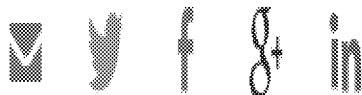


Westmont sewer project slated to be complete by December; 200+ residents fined for non-compliance

...sewage system. The borough's project is mandated by the Department of **Environmental Protection**, and the deadline to have it...

Source The Tribune-Democrat Online - Sep 15, 2021

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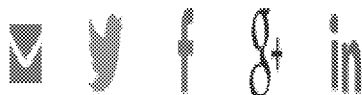


We need to adapt to an already changed climate - The Pitt News

...populations - have unhealthy levels of air pollution as deemed by the **Environmental Protection** Agency. As Earth continues to...

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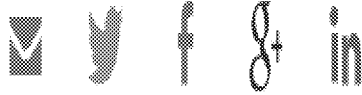


Wetlands in Chester-Choptank Watershed earn a 'B' grade

...DNREC Wetland Monitoring and Assessment Program are funded by the U.S. **EPA's** Region 3 Wetland Program Development. They are...

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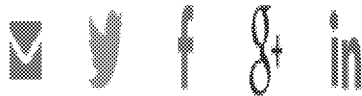


EPA removes Butler Mine Tunnel from Superfund list

The U.S. **Environmental Protection** Agency has removed the Butler Mine Tunnel, notorious for spewing toxic chemicals into the...

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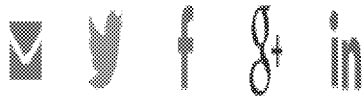


NJ beach weather and waves: Jersey Shore Report for Wed 9/15

...(weather), National Ocean Service (tides), U.S. Naval Observatory (sun), and the U.S. **Environmental Protection** Agency (UV index).

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...per MWh in 2022 and increase to \$34.50/MWh beginning June 1, 2026. "An **Environmental Protection** Agency consultant forecast ... projects...

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To keep coal plants online, AEP asks W.Va. regulators to up share of costs

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...wants them to proceed with projects needed to comply with the U.S. **Environmental Protection** Agency's Effluent Limitation Guidelines, or...

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...fee on methane emissions from the oil and gas industry, building on a U.S.

Environmental Protection Agency program that requires about...

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Hope floats away for long-dormant houseboat community Sea Village, home to dozens of waterborne residences before Hurricane Sandy, will be redeveloped, owner says.

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...early stages of obtaining a dredging permit from the state Department of **Environmental Protection**, which he hopes to receive by January....

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Conditions evolving on the Schuylkill River Trail

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...to not just cyclists, but runners and walkers, too. According to the **EPA**, flood water residue contains pathogens, parasites, and...

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STREAM STABILIZATION TO BEGIN IN BETHEL PARK

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...in part by a Growing Greener Grant from the Pennsylvania Department of **Environmental Protection**. Deana Carpenter, freelance writer:...

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EPA Report Linking Climate, EJ May Lay Groundwork For Future Policy

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September 13, 2021 **EPA's** first-time report estimating the additional risks that environmental justice (EJ) communities face from...

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Gas Groups Seek More Comment Time On DOE Furnace Rule Reversal

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...set them in 1987." ASAP Executive Director Andrew deLaski tells Inside **EPA's** Climate Extra that DOE "should move carefully but...

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GOP Lawmakers Up Pressure On Biden To Detail Paris Climate Pledge

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...direct federal agencies on regulating emission cuts. "It is clear that **EPA** -- the agency primarily responsible for emissions...

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House Seeks To Boost Funds For Federal Cleanups, Lead Pipe Replacements

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...Senate infrastructure bill, which includes billions of dollars for **EPA** water infrastructure programs, Superfund and brownfields...

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EPA & Corps Revert To Pre-2015 WOTUS Regime Following Vacatur Ruling

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September 7, 2021 **EPA** and the Army Corps of Engineers have halted implementation of the Trump-era definition of waters of the United...

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Facing Criticism, EPA Plans To Revise ELGs To Target PFAS, Nutrients

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September 8, 2021 **EPA** is planning to revise technology-based limits on discharges from the chemical manufacturing and metal finishing...

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EPA plans to add rare federal facility site to NPL

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September 9, 2021 **EPA** is moving to update its Superfund National Priorities List (NPL) of contaminated sites, proposing 13 sites,...

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EPA Grapples With Scientific Hurdles Of Cumulative Risk Amid Policy Push

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September 7, 2021 Top **EPA** scientists say they are struggling to advance the use of cumulative risk or impact analyses to better account...

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After Years Of Debate, Some Seek Return To Original WOTUS Policies

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September 8, 2021 Two decades after the Supreme Court first targeted **EPA's** regulatory definition of the waters of the United States...

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CSVT southern section will be reviewed by Federal Highway Administration

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...project stands. Last month, Beck announced that the state Department of **Environmental Protection**, the U.S. Army Corps of Engineers and the...

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Clean Air Council appeals on construction of natural gas-fired power plant

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The Clean Air Council is challenging the Pennsylvania Department of **Environmental Protection** over a potential natural gas-fired power plant...

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Illinois lawmakers advance energy compromise with nuke support to full House

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Democratic leaders in the Illinois House of Representatives on Sept. 9 unveiled the latest version of comprehensive energy legislation designed to support the state's nuclear plants

and transition to a clean energy economy.

Following nearly three hours of debate, the Executive Committee of the Illinois General Assembly voted 9-6 along party lines Sept. 9 to send an amended version of Senate Bill 2408 to the floor of the House. Gov. J.B. Pritzker, a Democrat, has signaled support for the proposal.

"I look forward to this amendment advancing in the House and Senate and making its way to my desk where I will sign this historic agreement into law," Pritzker said in a Sept. 9 written statement.

The House floor amendment to S.B. 2408 filed by Assistant Majority Leader Marcus Evans Jr. also has garnered key support among environmental and labor groups.

As amended, the bill provides support for the state's carbon-free nuclear generation through a competitive "carbon mitigation credit procurement plan" administered by the Illinois Power Agency. The contracts for winning bidders would begin June 1, 2022, and end May 31, 2027. The carbon mitigation credit is defined as a "tradable credit that represents the carbon emission reduction attributes of one megawatt-hour of energy produced from a carbon-free energy resource."

The legislation states that the Illinois Power Agency "shall not accept bids for contracts that exceed a customer protection cap equal to the baseline costs of carbon-free energy resources." These baseline costs begin at \$30.30 per MWh in 2022 and increase to \$34.50/MWh beginning June 1, 2026.

"An **Environmental Protection** Agency consultant forecast ... projects that a carbon-free energy resource has the opportunity to earn on average approximately \$30.28 per [MWh] for the sale of energy and capacity during the time period between 2022 and 2027," the latest version of the legislation, called the Energy Transition Act, states. "Therefore, the sale of carbon mitigation credits provides the opportunity to receive an additional amount per [MWh] in addition to the projected prices for energy and capacity."

Exelon Corp. is just days away from shutting down the two-unit, 2,346-MW Byron Generating Station, followed by the 1,805-MW Dresden nuclear plant in November absent government-approved subsidies to keep them from losing money.

"While we currently have no choice but to continue preparing for their premature retirement, we have established off-ramps that will allow us to reverse that decision if lawmakers pass legislation with enough time for us to safely refuel the plants," Exelon spokesperson Paul Adams said in an email. "To be clear, Byron will run out of fuel and will permanently shut down on September 13 unless legislation is enacted. We have been clear that we cannot refuel Byron on September 13 or Dresden in November absent policy changes."

Exelon also said it could retire the 2,384-MW Braidwood Generating Station and 2,313-MW LaSalle County Generating Station "in the next few years" if the operating economics do not improve.

The Senate's previously approved version of comprehensive clean energy legislation provided nearly \$700 million in subsidies for the Byron, Dresden and Braidwood plants, operated by Exelon subsidiary Exelon Generation Co. LLC, but the bill lacked support from the governor and key stakeholders.

The sticking point revolved around emissions reductions at the 1,630-MW coal-fired Prairie State Energy Campus and the retirement of City Water, Light and Power, or CWLP, coal assets. CWLP is the municipal utility for Springfield, Ill.

Pritzker previously called for the closure of Prairie State by 2035 and balked at a plan that would cut emissions 50% by 2040 to keep the plant online, reports indicate.

Under the compromise, Prairie State and all "public" greenhouse gas emitting units must reduce their carbon emissions by 45% no later than Jan. 1, 2035, and "permanently reduce" carbon emissions to zero no later than Dec. 31, 2045. The bill calls for privately owned units that "use coal or oil as a fuel" to eliminate carbon emissions by Jan. 1, 2030.

The bill is designed to transition Illinois to 100% renewable energy by 2050.

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To keep coal plants online, AEP asks W.Va. regulators to up share of costs

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West Virginia ratepayers may have to take on more of the cost burden if the state wants to keep three large coal plants online beyond 2028.

American Electric Power Co. Inc. utilities Appalachian Power Co. and Wheeling Power Co. petitioned West Virginia regulators to reopen their case (docket 20-1040-E-CN) and consider increasing the state's jurisdictional share of environmental compliance costs at the 2,900-MW John E. Amos, 1,299-MW Mountaineer and 1,560-MW Mitchell (WV) power plants.

The utilities are seeking an order by Oct. 13 that the Public Service Commission of West Virginia wants them to proceed with projects needed to comply with the U.S.

Environmental Protection Agency's Effluent Limitation Guidelines, or ELG, on all three plants or to identify which plants and which units can proceed with compliance work. In addition, the utilities want state regulators to acknowledge "that additional investments and

[operations and maintenance] expenses at the plants will be needed prior to 2028, and will be the responsibility of West Virginia customers, if the plants are to operate beyond 2028."

Also, the utilities want the West Virginia PSC to commit to authorizing cost recovery for environmental compliance and operations and maintenance investments as long as they are "reasonably and prudently incurred."

In early August, the West Virginia PSC granted a certificate of public convenience and necessity that allows Appalachian Power and Wheeling Power to make the modifications necessary to comply with federal environmental regulations under the ELG and Coal Combustion Residuals, or CCR, rules and recover a portion of the costs from ratepayers.

"Although the companies did not provide an estimate of West Virginia's jurisdictional share of the total costs ... the commission estimates that it would be \$169.55 million given a [50%] ownership interest in Mitchell and a 41.1[%] allocation of investments in Amos and Mountaineer," the PSC wrote in its order.

Cost recovery sought in Kentucky, as well as Virginia

The utilities have also sought cost recovery for compliance work from state regulators in Kentucky and Virginia.

The Mitchell plant in Marshall County, W.Va., is co-owned by AEP subsidiaries Kentucky Power Co. and Wheeling Power. Appalachian Power owns the other two plants.

The Kentucky Public Service Commission (docket 2021-00004) approved Kentucky Power's request to pursue construction projects for the Mitchell plant to comply with the CCR rule. The Kentucky PSC, however, rejected Kentucky Power's request for work designed to comply with the ELG rule.

The Virginia State Corporation Commission on Aug. 23 approved (SCC docket PUR-2020-00258) about \$27.4 million in cost recovery through an annual rider for upgrades and other construction projects needed at the Amos and Mountaineer plants to comply with the CCR rule.

However, the Virginia State Corporation Commission rejected approval of about \$4.2 million in initial rider recovery for upgrades needed to comply with the ELG rule. Regulators left open the possibility of Appalachian Power reapplying for approval of these investments.

Appalachian Power testified that the total Virginia jurisdictional share of the ELG investments would be about \$60 million.

In their filing with the West Virginia PSC, Appalachian Power and Wheeling Power provided updated cost estimates that show the total cost of CCR and ELG compliance work at all three plants is now \$448.3 million. The annual revenue requirement for West Virginia would be about \$48 million for full compliance work given the state's jurisdictional share of CCR costs and full allocation of ELG expenses, according to the utilities.

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Details emerge on House Clean Electricity Performance Program

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The House Energy and Commerce Committee is considering a proposal that would establish a new U.S. Department of Energy program to provide grants for power companies that increase their percentage of clean energy by certain margins each year and impose fees on those that do not.

The proposed Clean Electricity Performance Program, or CEPP, is being proposed as part of a broader infrastructure package that lawmakers are expected to consider next week. Other key provisions of the broader plan include a methane fee and a plan to invest billions in a more reliable, cleaner energy transmission grid, according to a fact sheet released by the committee Sept. 9.

The CEPP

Under the CEPP proposal, the DOE would establish a new program that would complement existing clean energy tax incentives by providing grants or payments to electricity suppliers from 2023 through 2030 based on how much clean electricity each supplier provides to customers.

To qualify for such a grant, electricity suppliers would have to boost the amount of clean electricity they supply to customers by 4% compared to the previous year. The supplier would receive \$150 for each MWh of clean electricity provided that exceeds the amount supplied the previous year by 1.5%. Electricity supplies must use the grants exclusively to benefit customers, including for direct bill assistance, investments in qualified clean electricity and energy efficiency, and worker retention.

An electricity supplier that does not meet the criteria by increasing its clean electricity percentage by at least 4% over the prior year would owe a payment to the Energy Department based on its shortfall. For example, if an electricity supplier only increases its clean energy by 2%, the supplier would owe \$40 for each MWh that represents the 2% shortfall.

The CEPP would also provide electricity suppliers the option to defer a grant or a payment for up to two consecutive years, according to the fact sheet. The proposed program defines clean electricity as generation "with a carbon intensity of no more than 0.10 metric

tons of carbon dioxide equivalent per megawatt-hour."

Inspired by a push to establish a national clean energy standard, some Democrats earlier proposed a similar payment program to incentivize load-serving entities to add clean power sources and penalizes those that do not meet certain environmental standards. Democratic leaders have said such a program will help the nation achieve Biden's goal of generating 80% of power from carbon-free generators by 2030.

More than a dozen conservation organizations recently launched a campaign aimed at excluding natural gas from the program or clean energy standard. But some industry members have said such climate targets and anti-gas campaigns are unreasonable, noting the important role natural gas could play in the transition to cleaner energy sources while ensuring a reliable power supply.

Whether the program described in the latest fact sheet would exclude natural gas from the program is still unclear.

Mitch Jones, policy director of Food & Water Watch, said the fact sheet is still short on details, "but on our reading, the carbon intensity standard ... would not allow natural gas to count as clean energy." The devil may be in the details, however, in regard to how the Department of Energy would define the capture of carbon from gas plants, Jones said. "We've argued all along that they shouldn't be counted," considering the record at functioning carbon capture plants, the policy director said.

Other provisions

The broader reconciliation plan also includes \$9 billion for a more reliable, cleaner energy grid and grants for states that site new wholesale transmission projects. It would also offer grants and loans to support the construction and modernizing of grid infrastructure across the seams between the eastern and western interconnections, domestic interties with the Electric Reliability Council of Texas, and for offshore wind projects, among other efforts.

The plan would establish a fee on methane emissions from the oil and gas industry, building on a U.S. **Environmental Protection** Agency program that requires about 8,000 large emissions sources to report their annual emissions. The fee would recognize the cleanest performers and hold companies responsible for their own leaks and emissions, according to the fact sheet.

Industry groups opposed a proposal earlier in 2021 that established a methane fee based on a company's production and midstream handling volumes within a basin and the total annual methane emissions rate of all companies within the basin.

The latest plan would also see the federal government continue to wade into a movement to electrify buildings that has largely played out at the state and local levels in recent years. The legislation proposes \$18 billion to fund home energy efficiency and appliance electrification rebates.

Clean energy and climate advocates view the budget reconciliation process as their best shot to pass major legislative provisions to meet President Joe Biden's aggressive decarbonization targets.

Bills advancing through the process are not subject to the Senate's filibuster and need only a simple majority in both legislative chambers to pass. However, such legislation

must have a budgetary impact to be included.

Maya Weber and Ellie Potter are reporters with S&P Global Platts. S&P Global Market Intelligence and S&P Global Platts are owned by S&P Global Inc.

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Hope floats away for long-dormant houseboat community Sea Village, home to dozens of waterborne residences before Hurricane Sandy, will be redeveloped, owner says.

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Like an Atlantis of the Jersey Shore, a floating community of seasonal and year-round residents in Egg Harbor Township swallowed up by the sea nine years ago is gone for good, according to the property's owner.

Sea Village Marina owner Joe Ventresca says he plans to redevelop the site as a different kind of community, this one comprising 37 townhouses.

While the property will still include a marina, its 100 berths will be for standard vessels and motorized houseboats, not the non-motorized variety that made up Sea Village, which was rendered uninhabitable when its docks, utility lines and other infrastructure were swamped by the storm surge from Hurricane Sandy in 2012.

"There'll be new slips, there'll be 100 slips. The problem is, it will not be floating homes," Ventresca told NJ Advance Media.

Property records indicate Ventresca bought the 8-acre marina site in 2017 for \$950,000. He said he paid an additional \$650,000 for a total of 30 houseboats that the marina's previous owner had acquired after Hurricane Sandy from their individual owners, who either sold them or simply turned over their titles.

No more houseboats are in the water at Sea Village, after they were hauled out by a crane starting in 2019 after years of sitting uninhabited.

That wiped out any trace of what was once a buoyant neighborhood tied to docks and hooked up to water, sewer and power lines on a creek amid the marshes and bays of Atlantic City.

Sea Village was created by developer John Best in 1980. It was conceived as an alternative to expensive waterfront living, and became a kind of island community unto itself, a well-kept secret of the Jersey Shore. Residents of the once-idyllic place would spend days in the sun and nights being rocked to sleep by bay waters gently lapping at their hulls.

Like fishing launches, cabin cruisers and other more typical boats, the floating homes were christened by their owners with names like Captain Sunshine, Pop's Place, Happy Days, and Where the Moon Meets the Morning Sun.

Vistas from the boats' upper floors and roof decks included the waters of Scull Bay, the green marshes of Pork Island Wildlife Management Area, the glittering towers of Atlantic City's casino hotels, and the Atlantic Ocean beyond.

"It was very relaxing," said Patricia Fulton, a nurse who lives with her husband, John, in Cherry Hill, but had a houseboat there. "Our boat was right on the channel, so we overlooked Atlantic City, Margate, Ocean City. It was very beautiful. It was like having a piece of the Shore without spending property taxes."

"Many years ago, it was a wonderful community," said Ralph Senf, a 67-year-old retired wine and liquor salesman who lived there full-time for 28 years.

Ventresca and former residents said prior to Sandy, as many as 78 floating homes were at Sea Village, located between the Atlantic County mainland and Absecon Island. Some were hauled away, and what's left, Ventresca said, are about 40 houseboats sitting on the marina lot, including the 30 he acquired and another 10 or so whose titles are still held by their original owners.

"My goal was to fix them up and put them back in the water," Ventresca said of his 30 houseboats.

But he abandoned the idea after a maritime engineer he hired told Ventresca that the houseboats were not seaworthy and that he would not certify them as safe to go back into the water.

Even the original owners who retained title to their boats have been unable to refloat them. That's because Sea Village has never reopened, and a 1985 state ban on non-motorized houseboats that grandfathered in the floating community does not allow them at any other New Jersey marinas.

One of the individual owners, Senf, said he knew of a couple of floating communities in California, but he couldn't find another marina on the East Coast that would let him dock there.

So word that Ventresca will not include slips for non-motorized houseboats in the redeveloped marina was a blow to Senf and other individual owners still holding out even a faint hope they might resume their life afloat.

"No more wishing and hoping, â€˜Maybe someday,' " said Senf, who now lives on land in

Galloway Township.

Ventresca also owns the Gifford Marine site just across Route 72, a marina for motorized vessels where he plans to develop 14 more townhouses and another 50 slips, plus a dock for public access to the creek where Sea Village and Gifford are located, known as Dock Thoroughfare.

Egg Harbor Township declared the Sea Village and Gifford sites areas in need of redevelopment last year, and Ventresca intends to be named the sites' designated developer. He's in the early stages of obtaining a dredging permit from the state Department of **Environmental Protection**, which he hopes to receive by January. He said he needs to know just what the DEP will allow before he and township officials can finalize negotiations on a redevelopment plan for the two marinas.

Egg Harbor's township administrator, Donna Markulic, declined to comment on plans for the redevelopment area, noting that whatever was envisioned at this point had not been finalized.

Senf had all but resigned himself to the unlikelihood of ever again boarding his old floating home, which he bought for \$162,000 more than three decades ago, and he was aware of the obstacles to restoring Sea Village to its original nature. So he was not surprised when told of Ventresca's plans.

"There are lots and lots of things involved in actually bringing that marina back, which is why I've given up on it," Senf said.

But the news angered others.

"I spent \$135,000 for this house, plus I spent \$900 a month for the first eight or nine years after it was destroyed," said John Fulton, referring to the purchase price and dock fees for a houseboat.

Fulton's boat took a modest hit from Sandy, and then was much more badly damaged after partially sinking and sitting for years unattended in its berth at Sea Village, in addition to vandalism he said it sustained on shore. Even so, Fulton said he had paid Ventresca \$4,000 to haul the boat out of the water based on the belief that it could be repaired and eventually refloated.

"Even we had faith that our house would be back in there someday, and now our plans are shot to hell in a handbasket," Fulton said, his voice rising with frustration. Referring to Ventresca, Fulton added, "He should have the decency to pay us back the money we paid him to pull our house out of the water."

Ventresca said his actual cost of removing each boat was close to double the figure he had charged the owners for the service, adding that he had not charged them for storage on the marina lot since then, even though he continues to pay taxes on the property.

At first, Ventresca scoffed at Fulton's suggestion that he and other owners should be refunded their \$4,000. But then, tired of being painted as a maritime villain and looking ahead to remaking the marina, he reconsidered.

"If they'll leave me alone," Ventresca said, "I'll give all of them their money back."

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Conditions evolving on the Schuylkill River Trail

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Hurricane Ida left the Schuylkill River Trail underwater, and while the floodwaters have since drained, some sections of the area's most popular running and cycling trail remain impassable.

Trail conditions are evolving. The 75-mile trail stretches through Philadelphia and Schuylkill, Montgomery, Chester, and Berks Counties. Check with your local county's Parks and Recreation department for the latest conditions.

Here's what to know if you're looking to travel the trail in the coming days.

See SCHUYLKILL on C3

Continued from C1

Trail conditions by county

Philadelphia

Thanks to cleanup efforts by city workers, community organizations, and volunteers, the SRT section that stretches through the city has mostly reopened. Martin Luther King Drive (west of the Schuylkill River and on the opposite side of the SRT) is now fully open to pedestrians, too.

However, the Manayunk Canal towpath, a two-mile stretch between Lock Street and Shawmont Avenue, remains closed for repairs.

Philadelphia Parks and Recreation says a timeline for reopening is still being determined,

and significant cleanup remains, including the removal of over a foot of silt, mud, and sediment in some parts of the trail, in addition to boardwalk repair and replacement of fencing that secures the trail from the Manayunk Canal.

"This section experienced significant damage and is dangerous for passage on foot or bicycle," says Maita Soukup, Philadelphia Parks and Recreation director of communications.

Montgomery

This week, some parts of the SRT that run through Montgomery County temporarily reopened. However, due to safety concerns, all sections of the trail in Montgomery County are now closed. This includes from the Manayunk Towpath through Phoenixville and out to Pottstown. A reopening timeline has not been set.

"Trail use at this time can actually hamper and slow down our efforts," says Kelly Cofrancisco, communications director for Montgomery County.

Berks and Schuylkill

The section of the SRT that runs through Berks and Schuylkill Counties was not damaged as much by Hurricane Ida as in other areas and is now fully open.

Alternate routes

If SRT closures are cutting your bike ride short, there are plenty of other great routes across the region. Check out the Philadelphia Bicycle Coalition's route library to get started, which maps out rides ranging from one to 80 miles. For a longer ride, Amanda Ruffner, communications manager for the Philadelphia Bicycle Coalition, recommends the 15-mile Navy Yard / FDR Park / Stadiums loop or the 23-mile Ben Franklin Bridge / Cooper River loop.

Preparing for dusty or muddy riding conditions

While much of the SRT is now reopened, sand, silt, and mud are still present in many areas of the trail. This can make for a dustier and slower ride for cyclists. "It's definitely doable. I saw a lot of people out on Indigo bikes and other non-mountain bikes, but I'd consider the weather just because of how dusty it is," says Ruffner, noting that rain can create muddier and more dangerous conditions.

Until all remaining mud and debris is cleared, trail users are encouraged to use extra caution. Ruffner recommends cyclists wear sunglasses or another form of eye protection. "You might even want to bring a neck gaiter or mask depending on how windy it'll be during your ride," she says.

You should also carry a fix-a-flat kit or other tire repair tools. It's a good item to have on all rides, but with the extra debris currently on the SRT, your tires are even more susceptible to punctures.

"Try to ride when visibility is good so the sandy parts don't sneak up on you," says Ruffner. "From personal experience it was much harder to notice the sandy parts later in the evening."

Slow down if you're forced to navigate muddy or sandy patches, and pay extra consideration to other riders, especially when passages narrow due to mud and debris. Currently on the Philly side of the SRT, the trail narrows both across from the entrance to the Laurel Hill Cemetery and around the construction bollard after the East Falls Bridge. "By far the sandiest part is right before the Columbia Train Bridge," Ruffner says, noting that you may need to dismount and briefly walk, depending on the style of your bike.

As for all closed sections of the SRT, you're urged to stay off the trail for your own safety. This applies to not just cyclists, but runners and walkers, too. According to the **EPA**, flood water residue contains pathogens, parasites, and chemicals.

"It's also important to avoid closed areas to be respectful of and not disrupt the cleanup operations - folks are putting a lot of hard work into getting these areas back into good and safe shape for public use," says Ruffner.

Help with the cleanup

Schuylkill River Greenways National Heritage Area plans to organize several volunteer work days in Berks and Montgomery Counties. Call (484-945-0200) or email (info@schuylkillriver.org) to find out about upcoming opportunities.

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STREAM STABILIZATION TO BEGIN IN BETHEL PARK

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A stream stabilization project will begin this month along a 350-foot stretch of bank on Saw Mill Run off Milford Drive in Bethel Park.

Municipal officials ceremoniously broke ground for the project Thursday, and the endeavor is expected to take about two months to complete.

The project will help to mitigate the erosion problem occurring within the headwaters of the stream, said Bethel Park engineer Stacey Graf. The project will also help reduce sediment in Saw Mill Run.

"Many streams in Western Pennsylvania have highly eroded banks, property being lost, fallen trees, exposed sewers and vegetation being swept away," Ms. Graf said.

"As the severity of the rainfall events are changing, this scenario is playing out all over the municipality," she added.

According to Gateway Engineering Consultant Scott Baker, boulder cascades, log rollovers and root wads will all be used within the stream to slow the water's velocity and decrease erosion of the stream's bank.

Gateway Engineering designed the project for the municipality.

The project is funded in part by a Growing Greener Grant from the Pennsylvania Department of ***Environmental Protection***.

Deana Carpenter, freelance writer: suburbanliving@post-gazette.com

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EPA Report Linking Climate, EJ May Lay Groundwork For Future Policy

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September 13, 2021 **EPA's** first-time report estimating the additional risks that environmental justice (EJ) communities face from climate change impacts may be laying the groundwork for future policies incorporating these findings but stops short of providing all the tools necessary to craft rules in a way that will provide extra benefits to the communities, sources say.

"I can see why people might be disappointed that **EPA** didn't take this to the next step, but I think they did exactly the right thing because we really underestimate the amount of data

that we need to make good policy" to address climate change and EJ, says Jeanette Pablo, a climate and equity expert at the Clean Air Task Force (CATF).

Also, one industry lawyer says that the report "isn't terribly surprising" given that "**EPA** under this administration is empowered to try to create linkages between minority and socioeconomically disadvantaged groups and climate change. When you have a peer-reviewed report of this type . . . the goal is to somewhat tie the agency's hand on the bodies of scientific evidence and what [regulators] have to consider. It is laying the groundwork for policy."

The Sept. 2 peer-reviewed report is the first to look at how climate impacts are distributed across populations -- based on income, education, race and ethnicity, and age. The impacts assessed include air quality health impacts, extreme temperature and health, extreme temperature and labor, coastal flooding and traffic, coastal flooding and property, and inland flooding and property.

Among other things, it found that Black and African Americans are 40 percent more likely to live in areas with the "highest projected increases in mortality rates due to climate-driven changes in extreme temperatures."

The report was initiated by career staff last summer with **EPA's** Climate Change Impacts & Risk Analysis office and its Office of Atmospheric Programs.

"With this level of science and data, we can more effectively center **EPA's** mission on achieving environmental justice for all," **EPA** Administrator Michael Regan said in a statement when the findings were released.

However, the CATF's Pablo notes that the report stops short of a direct policy linkage for good reason. "We don't have the data. We don't know enough about these communities and their individual challenges to ensure policies are on target and effective."

For example, she notes that one "major barrier" is often the lack of affordable, high-speed internet. Because without it, it is much more difficult for communities to participate fully in federal and regulatory processes, "especially when 'public meetings' are webinars."

Pablo adds that the "gap between the culture and reality of vulnerable communities and the energy industry and regulators is enormous, and it's not well appreciated."

The **EPA** report "is a huge contribution to this critical body of knowledge," including its recognition that language can be a "huge impediment" to advancement.

Importantly, **EPA** acknowledges this challenge in the report, which "adopts the term 'minority' for the sake of consistency with governmental publications and datasets pertaining to environmental justice and climate change," while recognizing "important differences" in the vulnerability of individual communities under the "minority" umbrella.

Pablo says even the terms "minority" and "disadvantaged" are often viewed as stigmatizing, adding that it is important to understand that the terms environmental justice, climate justice and energy justice -- as well as equality and equity -- all have different meanings.

'Unfolding' Realization

A second environmentalist agrees that the new report captures "unfolding" realization of the intersection of structural racism and the climate crisis and sees "some really important opportunities here" because "research that brings together the science, social science and justice aspects is critical if we are going to get solutions."

Along this front, the source cites a key policy change made by the Federal Emergency Management Agency (FEMA) this month, which expanded documentation requirements to demonstrate proof of home ownership or occupancy when seeking aid following natural disasters.

For years, EJ groups have said FEMA's former policy denied such access to Black property owners who lacked registered deeds due to Jim Crow-era laws and were forced to resort to familial informal property transfer through generations.

While the policy changes were announced in the immediate wake of Hurricane Ida in Louisiana and the Northeast, FEMA later made them retroactive to apply to those seeking aid following recent flooding in Tennessee.

"These are the kinds of systemic issues built into a log of agency policies that look neutral but have impacts," the source says.

In terms of **EPA** policy, this source says the new report could have impacts on air quality rules given that the data show how exposure to conventional pollution exacerbates climate risks.

"This recognition that climate change is just the latest risk on top of this historic burden is critical. As we think about **EPA** actions to limit conventional pollution from power plants even as we move to address climate risks, we see the moment here where we can" do both.

However, the source says while policies "should" be tailored to provide more benefit to overburdened communities, the data in the report is not enough to achieve that outcome. To "make sure we are setting things right, and not just instigating policies that are blind to this history but that takes it into account so these communities are directly benefitting in a way they have not in the past. The same is true for infrastructure investments."

The data-driven approach **EPA** is launching should "add more heft to what EJ leaders have been pointing out for a long time" and "needs to be further developed. We've just started. It's going to take a lot more and a long time."

The industry source, however, says this type of data is not enough to tilt regulations to provide additional benefits to targeted communities but it "tees up" the possibility **EPA** could "go in that direction."

EPA also took the extra step of having the work peer-reviewed, which gives it more "gravitas," the source adds. But it "doesn't go so far as to make concrete recommendations . . . that anybody can hang their hat on. But it is pointing policymakers in that direction. I think this gives them cover."

However, the source adds that the kinds of climate impacts addressed in the report -- such as flooding and extreme temperatures -- are difficult to address in an **EPA** rule or environmental permit. "But I do think this is the kind of thing, if you are looking at Justice40 and where money is going and where **EPA** is prioritizing permitting and enforcement

activities, you will likely see them use this type of a tool layered onto something like EJ Screen to focus efforts in particular areas." EJ Screen is an **EPA** mapping tool to help identify disadvantaged communities.

Mitigation Policies

The industry source adds that it is important to note that the analysis assumes no specific GHG mitigation policies will happen, which is "such a hedge, at the end it's hysterical. . . If the analysis does not assume there will be any mitigation or adaptation policies established, then you're not getting the big picture. That's where I always get kind of cautious about these types of studies."

A second industry source finds the report "kind of curious and a little bit underwhelming" largely due to the climate impacts **EPA** chose to study. The biggest impact is traffic delays from high-tide flooding, the source notes. "When we think about impacts on minority communities, we don't really think about traffic delays."

Further, the source notes the only real health impact discussed is asthma related to fine particulate matter pollution, which is not usually directed to climate change. "Nothing explains that link," the source says.

Overall, the source says the report "is just part of the narrative, that climate change is one of their highest priorities government wide, and EJ is another priority. It seems the study is designed to promote these causes generally in the political world, because I don't see how a study like that can impact any **EPA** regulatory programs." -- Dawn Reeves (dreeves@iwpnews.com)

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Gas Groups Seek More Comment Time On DOE Furnace Rule Reversal

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September 13, 2021 Natural gas industry groups are seeking more time to comment on an Energy Department (DOE) plan, crafted to meet President Joe Biden's climate goals, that would undo the Trump administration's restructuring of efficiency rules for residential

furnaces and commercial water heaters, arguing the plan would have adverse effects on the sector.

But environmentalists are urging officials to finalize the rule as proposed, saying it is needed so the administration can begin a new action to strengthen standards for the appliances.

Comments are currently due Sept. 27 on DOE's Aug. 18 proposal, but several gas groups filed comments last week pressing officials for another 60 days to submit input, citing "factual, technical, economic, regulatory, and administrative issues that require significant time to review and respond to in a meaningful manner to inform the DOE in its decision-making process," especially given the "significance of the issues."

The Sept. 7 letter from the American Gas Association (AGA), the American Public Gas Association (APGA), Spire Inc., and Spire Missouri, Inc., and the National Propane Gas Association (NPGA) argues that a comment period extension "would be consistent with DOE's prior actions in this proceeding," pointing to the Trump DOE's extension of comment periods during consideration of its rule.

DOE is developing the rule in response to Biden's Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," which called on agencies to review and revise existing policies that hamper efforts to reduce greenhouse gases.

The Biden's administration's proposed rule would reverse a Jan. 15 policy that separates appliances with the newer and generally more efficient "condensing" technology -- which captures and reuses heat from flue gases rather than releasing the exhaust through a chimney -- from models with older, "non-condensing" technology.

The Trump rule effectively exempts non-condensing appliances from energy efficiency standards that apply to condensing appliances.

Specifically, the August proposal notes that currently, "in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related 'feature' under the Energy Policy and Conservation Act [EPCA] . . . that cannot be eliminated through adoption of an energy conservation standard."

The Trump DOE developed the rule in response to a 2018 petition from the gas industry that requested the department reconsider EPCA's "features" provision, among other requests.

Under the Biden proposal, DOE would "return to its previous and long-standing interpretation (in effect prior to the January 15, 2021, final interpretive rule), under which the technology used to supply heated air or hot water is not a performance-related 'feature' that provides a distinct consumer utility under EPCA."

'Individual Strong Standards'

But environmental groups are pushing hard for DOE to finalize the August proposal. For example, the Appliance Standards Awareness Project (ASAP) wrote in a recent press statement that the Biden administration must finalize the August rule "before it could propose individual strong standards for residential and commercial water heaters,

furnaces, and boilers."

ASAP argued the Trump-era rule is harmful to energy efficiency progress because it requires separate product classes for non-condensing gas furnaces, water heaters, and boilers, "legally separating these less-efficient models from their modern counterparts." They say DOE in its January rule "effectively block[s itself from] setting efficiency standards for each product at a level that requires all models to use the more efficient technology."

Increasing these appliances' efficiency could spur a major reduction in greenhouse gas emissions. A 2020 report, published by the American Council for an Energy-Efficient Economy (ACEEE) and ASAP, found that residential furnaces and water heaters are "two of the biggest opportunities for the Biden administration's DOE to reduce greenhouse gas emissions through efficiency standards."

Also, ASAP noted that DOE "hasn't significantly strengthened efficiency standards for home gas furnaces since Congress set them in 1987."

ASAP Executive Director Andrew deLaski tells Inside **EPA's** Climate Extra that DOE "should move carefully but promptly to get this done because they'll still need to set individual efficiency standards for each of these individual products."

He noted that President Joe Biden gave DOE an end-of-the-year deadline for reversing the Trump-era furnace rules, "and there's not much time left to stay on track." Also, he noted that the topic is not "new territory for commenters" because the plan would return DOE to a long-held interpretation on the issue.

Industry Reaction

Industry groups, which support the January rule and oppose the Biden DOE proposal, argue the current rule allows non-condensing appliances to get more efficient at their own pace, without become obsolete entirely.

"Designating condensing and non-condensing natural gas heating appliances as separate product classes ensures that homes and businesses have access to energy efficient appliances while avoiding the forced removal of a low-carbon and affordable energy option for consumers," AGA wrote in a January 14 press release.

AGA spokesman Jake Reuben said the Biden administration's rule could effectively take non-condensing appliances off the market, something that could be prohibitive -- either in terms of cost or because installment of newer appliances isn't possible in every building -- for some consumers.

"New standards could eliminate non-condensing furnaces, forcing homeowners and builders to use a condensing natural gas furnace, or because of cost and logistics select an alternative heating system," read a recent AGA infographic.

Reuben also argued the group has a continued commitment to energy efficiency, noting that that gas companies invest \$3.8 million per day on efficiency programs. The group's January press release noted that it supports "DOE continuing to raise energy efficiency standards" and that "[o]ngoing innovation will continue to make efficient natural gas the option for homes and businesses looking to save money and reduce emissions."

Meanwhile, APGA regulatory affairs director Renee Lani tells Climate Extra that the August proposal "could result in additional costs imposed on Americans due to unnecessary and burdensome overregulation." As such, the group says the plan requires "sufficient time for all impacted stakeholders to thoughtfully review the proposal and provide meaningful feedback to the agency." -- Abigail Mihaly (amihaly@iwpnews.com)

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GOP Lawmakers Up Pressure On Biden To Detail Paris Climate Pledge

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September 13, 2021 Key House and Senate Republicans are increasing pressure on President Joe Biden to detail how his administration arrived at its pledge to halve greenhouse gas emissions by 2030 under the Paris climate agreement, and the regulatory implications of meeting those cuts.

In a Sept. 9 letter, the GOP lawmakers -- who lead Republicans on key environment committees and subcommittees -- question the credibility of the pledge just as officials are preparing for the next round of United Nations-sponsored talks in Glasgow, Scotland, in November.

"Your Administration knows the importance of international accountability and it is essential that you hold" your administration "to the same standard," the GOP lawmakers argue, striking at a central point raised by Biden officials as they seek tougher emission reduction pledges from foreign leaders.

"The lack of accountability and transparency to date is even more concerning as the [Nationally Determined Contribution (NDC)] target and regulatory actions to meet this target will be the focus at the upcoming 26th United Nations Climate Change Conference of the Parties (COP26) in Glasgow," the letter argues.

The Republicans are renewing demands for release of internal analysis and communications on developing the NDC to reduce emissions under the Paris agreement, setting a Sept. 23 deadline for a "full briefing," while raising doubts about the achievability of those ambitious emission targets at a critical time for Biden's climate agenda, as

Democrats are drafting legislation to implement it as part of a \$3.5 trillion reconciliation package.

"While your Administration has pledged transparency, it still has not provided any information or analysis explaining the source and impacts of emissions reductions required to meet the NDC targets," says the letter to Biden from Sens. Shelley Moore Capito (R-WV), ranking Republican on the environment committee; James Inhofe (R-OK), ranking Republican on the clean air subcommittee; along with Reps. Cathy McMorris Rodgers (R-WA), top Republican on the House Energy and Commerce Committee; and David McKinley (R-WV), top Republican on the environment and climate subcommittee.

"While federal agencies seem to know what existing rules and regulations would help meet this target, full information about how these regulatory tools will be used nationally to meet the NDC pledge is necessary for congressional deliberation, and for the public to judge the achievability of the target and the regulatory impact it would have on our country," the GOP lawmakers argue.

The lawmakers are asking for all documents and communications between the White House and federal agencies for determining the emission targets of the NDC "including how standards, incentives, programs, and support for innovation were weighed in such an analysis."

The Republican push for details on the regulatory implications of Biden's climate policy goals is not new, with lawmakers having pressed officials in past letters and at hearings.

Reconciliation Bill

But the joint letter comes at a critical time for Biden's climate agenda on Capitol Hill, with Democrats scrambling to cut a deal on climate provisions in a budget reconciliation package that they hope to approve on a simple majority vote.

But those efforts are facing serious doubts after Senate energy committee Chairman Joe Manchin (D-WV) Sept. 12 criticized plans to include a clean electricity payment program (CEPP) in the reconciliation package.

"The transition's happening. And that clean energy standard, they want to spend billions of dollars to have utilities do what they're already doing. Makes no sense to me to pay a utility to do what they're going to do anyway," Manchin told NBC's Meet the Press on Sept. 12.

But Senate Majority Leader Chuck Schumer (D-NY) has strongly urged Democrats to back reconciliation legislation in part because it will fund policies like the CEPP that are aimed at achieving the vast majority of the emission cuts that will be required to meet Biden's climate pledge under the Paris agreement.

To underscore Schumer's point, Sen. Sheldon Whitehouse (D-RI) last week said the upcoming reconciliation legislation may be the "only shot" for Democrats to implement Biden's sweeping climate agenda.

"If Republicans take back the House or the Senate, as they say they're going to do, the prospects for serious climate legislation evaporate. That means that the only prudent conclusion to be drawn is to treat this as our only shot," Whitehouse told Politico Sept. 10. "That means we can't prevaricate and indulge ourselves in halfway measures. We've got

to grapple with the climate problem effectively now, as if this was once and for all," he added.

Whitehouse is also concerned Democrats' infrastructure plans as modeled would bring reduction of only about 45 percent of 2005 emission levels -- not the 50 percent mark sought by the administration: "The five percent difference is a very big difference. Add to that an uncertainty quotient in the modeling, which could break either way, and you not only really want to try to hit 50 percent, you really want to also build in a margin of safety, particularly if this is our last chance to build a pathway to climate safety."

Schumer, by contrast, argued that gap would be filled by state and administrative actions.

Adding to that pressure, GOP lawmakers are accusing the Biden administration of circumventing congressional oversight by relying on White House appointees, such as domestic climate policy coordinator Gina McCarthy and international climate envoy John Kerry, to direct federal agencies on regulating emission cuts.

"It is clear that **EPA** -- the agency primarily responsible for emissions regulation -- and other agencies throughout the Executive Branch were merely 'consulted' and cannot provide the full analysis used to model emissions reductions to show how the United States would reach the 50 to 52 percent reduction target," the GOP lawmakers claim in their letter.

The Republicans accuse the president of having "empowered unaccountable officials like Gina McCarthy and John Kerry, rather than Senate-confirmed officials, with managing your Administration's environmental agenda," the letter says, adding: "These actions deprive the public and Congress of the transparent process necessary for stakeholder input, oversight, and legislative decision-making." -- Rick Weber (rweber@iwpnews.com)

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House Seeks To Boost Funds For Federal Cleanups, Lead Pipe Replacements

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September 9, 2021 Democrats on the House Energy and Commerce Committee are seeking to use their upcoming budget reconciliation legislation to boost funds provided by the bipartisan Senate infrastructure bill to replace lead drinking water pipes and speed Superfund cleanups at federal facilities, according to a just-released committee fact sheet.

According to the fact sheet, the bill will provide \$30 billion to replace lead drinking water pipes, a long-time priority for Democrats, as well as \$10 billion for cleanups at federal sites listed on the Superfund National Priorities List (NPL).

The legislation, which is expected to be marked up early next week, is being developed in accordance with resolutions approved by the House and Senate last month and is slated to be assembled into a legislative package that can move through a simple majority vote in the Senate under budget reconciliation rules.

But House and Senate Democrats are still at odds over the overall size of the package and how to pay for it, raising doubts about what provisions will ultimately be cut.

While Democrats debate the reconciliation package, House leaders have also promised a Sept. 27 vote on the bipartisan Senate infrastructure bill, which includes billions of dollars for **EPA** water infrastructure programs, Superfund and brownfields cleanups, climate and other programs.

Many House Democrats say they are disappointed with the spending levels in the Senate bill and have vowed to increase those funds.

For example, Rep. Paul Tonko (D-NY), chairman of the committee's climate and environment subcommittee, said he was disappointed with the \$15 billion the Senate bill provided for replacing lead pipes, especially given White House calls for as much as \$45 billion.

"They have to do better," Tonko said.

Now the committee is slated to provide the additional funds Tonko and others had sought.

"The Build Back Better Act invests \$30 billion for the full replacement of lead service lines in drinking water systems throughout the country, protecting public health, putting people to work in well-paying jobs, and making good on President Biden's commitment," the fact sheet says.

Others, like Rep. Donald McEachin (D-VA), have also indicated they plan to seek additional funds in the reconciliation package to address environmental justice concerns, such as the slow pace of Superfund cleanups.

That may explain why the House committee's bill includes \$10 billion for cleanups at federal facility sites, in addition to the \$3.5 billion the Superfund program is already slated to receive from the bipartisan bill.

The Build Back Better Act invests \$10 billion for the cleanup of Superfund sites on the NPL where federal agencies are the responsible parties, a bipartisan priority, the committee fact sheet says.

Such funds could go a long way to remediating complex and costly cleanups at highly

contaminated federal sites, such as the Energy Department's Hanford site in Washington state.

In addition, the House Armed Services Committee earlier this month approved the annual defense authorization bill that provides an additional \$550 million over what the Defense Department requested for remediating per- and polyfluoroalkyl substances (PFAS). -- Jeremy Bernstein (jeremyb@iwpnews.com)

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EPA & Corps Revert To Pre-2015 WOTUS Regime Following Vacatur Ruling

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September 7, 2021 **EPA** and the Army Corps of Engineers have halted implementation of the Trump-era definition of waters of the United States (WOTUS) and returned to pre-2015 policies after a federal judge in Arizona vacated and remanded the rule last week, even though the legal question of whether a district court can vacate a national rule remains unsettled.

"The **Environmental Protection** Agency and U.S. Army Corps of Engineers (the agencies) are in receipt of the U.S. District Court for the District of Arizona's August 30, 2021, order vacating and remanding the Navigable Waters Protection Rule in the case of Pascua Yaqui Tribe v. U.S. **Environmental Protection** Agency," **EPA** says on its website.

"In light of this order, the agencies have halted implementation of the Navigable Waters Protection Rule [NWPR] and are interpreting 'waters of the United States' consistent with the pre-2015 regulatory regime until further notice," the statement continues.

That means the agencies are returning to various policies written during the 1980s and 1990s, but which were thrown into doubt after a series of Supreme Court rulings in the 2000s, which prompted the Obama administration, and later the Trump administration, to re-write the policies governing the reach of the Clean Water Act.

Now the Biden administration is again reconsidering the issue, with **EPA** saying in its

statement that the review of the court order and consideration of next steps "includes working expeditiously to move forward with the rulemakings announced on June 9, 2021, in order to better protect our nation's vital water resources that support public health, **environmental protection**, agricultural activity, and economic growth."

EPA and the Corps remain committed to crafting a durable WOTUS definition "that is informed by diverse perspectives and based on an inclusive foundation," the statement adds.

EPA's announcement appears to indicate that the agencies are interpreting the Arizona court's vacatur as applying nationally. And it is possible that the Biden administration's plan to formally repeal the Trump-era WOTUS definition before crafting its own WOTUS rule will treat the repeal rule process as merely "ministerial," as **EPA** did when it repealed the Trump administration's science rule, a former **EPA** attorney says.

But subsequent decisions from other federal district court judges in the days after the Aug. 30 ruling, as well as ongoing briefing in some remaining challenges to the Trump-era rule, indicate the legal question of whether district courts can issue national vacaturs remains unsettled.

The former **EPA** attorney says that if the Aug. 30 ruling from Judge Rosemary Mâ€™rquez of the U.S. District Court for the District of Arizona vacated the rule nationwide, the rule no longer exists, and any pending case no longer presents a live controversy for a court to adjudicate.

"If another judge issues a decision on the Navigable Waters Protection Rule -- even one that also concludes the rule must be vacated -- it is an indication that the Arizona court's vacatur is not nationwide and that the NWPR is still in effect in the majority of the country," the former **EPA** attorney said prior to **EPA's** announcement that it was halting implementation of the Trump-era rule.

While **EPA** and the Corps have asked several district courts to remand the Trump-era rule without vacatur, Judge Mâ€™rquez said in her ruling that precedent from the U.S. Court of Appeals for the 9th Circuit, which is binding on her court, and potential environmental harms from leaving the rule in place weighed in favor of vacatur.

Other Courts

Following Mâ€™rquez's ruling, two other district court judges have granted the agencies' request to remand the rule without vacatur.

Judge Douglas P. Woodlock of the U.S. District Court for the District of Massachusetts remanded the rule without vacatur Sept. 1 in the case Conservation Law Foundation (CLF) v. **EPA**, et al.

In his brief ruling, Woodlock notes that this is one of a number of cases filed in various U.S. district courts through the nation challenging the Trump-era rule, and that **EPA** and the Corps have announced their intent to revise the NWPR.

CLF, like many of the other plaintiffs challenging the NWPR in other cases, sought to have the NWPR vacated as well as remanded, but Woodlock declined.

"Given the progress of related litigation elsewhere, I believe the most prudent step to

resolve this case in this court is to grant the request for voluntary remand and dismiss this case without independently vacating the challenged Rule," Woodlock writes. "In this connection, I note that the United States District Court for the District of Arizona has earlier this week addressed the salient issues by vacating the Rule which is the subject of this litigation and ordering prompt further briefing concerning" the Trump administration's rule repealing the Obama-era WOTUS definition.

Woodlock continues, "The most orderly means for me to assist in resolving the larger dispute over the Rule at issue is to remand this case to the agencies and correlatively dismiss it without separately addressing the merits as to which the litigation is in an advanced stage in the District of Arizona."

Additionally, Senior Judge Lawrence E. Kahn of the U.S. District Court for the Northern District of New York in a text-only order Sept. 7 granted **EPA** and the Corps' unopposed motion for voluntary remand of the NWPR in *William Murray & Jane Omura v. Regan*. "It is ordered that the Navigable Waters Protection Rule is REMANDED without vacatur," the text order says, adding that a pending motion from the Institute for Policy Integrity at New York University School of Law to file an amicus curiae brief is denied as moot.

However, other courts that are considering the issue have yet to rule, leaving the door open for additional vacatur.

Chief Judge Richard Seeborg of the U.S. District Court for the Northern District of California, who is bound by the same 9th Circuit precedents as *Mâ€rquez*, had been scheduled to hear oral argument Sept. 9 in a pair of challenges to the NWPR.

But in Sept. 2 text notices in the dockets of the two cases, the court staff says Seeborg will consider the agency's motions for remand without vacatur without a hearing.

Environmental groups in *Waterkeeper Alliance, et al. v. EPA, et al.*, and 17 Democratic state attorneys general (AGs) in *California, et al. v. Regan, et al.*, have urged Seeborg to also vacate the rule, pointing to 9th Circuit precedent, which is binding on the northern California court as it is on the Arizona court.

In the case brought by the Democratic AGs, the plaintiff states filed a Sept. 2 notice with the court in California, pointing to *Mâ€rquez*'s Aug. 30 vacatur while the Justice Department, representing **EPA** and the Corps, filed a Sept. 3 notice highlighting the remand without vacatur decision from the court in Massachusetts.

DOJ also filed a Sept. 3 notice in the *Waterkeeper* litigation mentioning both the remand without vacatur from the Massachusetts court and the remand with vacatur from the Arizona court.

The Navajo Nation, in its challenge to the NWPR pending in the U.S. District Court for the District of New Mexico, also filed Sept. 1 a similar notice of *Mâ€rquez*'s vacatur ruling while DOJ Sept. 3 filed a notice of the Massachusetts' court's remand order.

Meanwhile, in *Environmental Integrity Project (EIP) v. Regan*, pending in the U.S. District Court for the District of Columbia, EIP filed a Sept. 3 response partially opposing the agencies' request for remand without vacatur.

"While Plaintiffs agree that the rule must be remanded, they do not agree that remand without vacatur is appropriate, and respectfully request that this Court either remand and

vacate the rule or deny the motion and proceed to the merits of this matter," EIP says.

A coalition of industry groups that are intervenor-defendants in the litigation filed a Sept. 3 response supporting the agencies' motion for remand without vacatur, saying the NWPR is a lawful interpretation of the Clean Water Act and that vacating the rule "pending the anticipated new administrative rulemaking would disrupt business operations, and with them the national economy." -- Lara Beaven (lbeaven@iwpnews.com)

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Facing Criticism, EPA Plans To Revise ELGs To Target PFAS, Nutrients

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September 8, 2021 **EPA** is planning to revise technology-based limits on discharges from the chemical manufacturing and metal finishing sectors to address per- and polyfluoroalkyl substances (PFAS) for the first time, and to revise discharge limits for slaughterhouses to reduce nutrients, handing a win to environmentalists who are pushing to toughen such standards.

The agency Sept. 8 released its Preliminary Effluent Guidelines Program Plan 15, which announces the three new rulemakings, new studies on PFAS discharges from landfills and manufacturers of textiles and carpets, and updates on plans to revise effluent limitation guidelines (ELGs) for power plants.

"To protect drinking water supplies, recreational waters, and aquatic ecosystems, it is essential that we utilize the latest scientific and technological breakthroughs in wastewater treatment," Assistant Administrator for Water Radhika Fox said in a Sept. 8 statement. "This plan illustrates one way that **EPA** is following science to better protect public health and the environment. Importantly and for the first time, **EPA** is committing to limit PFAS in wastewater discharges."

The Trump **EPA** in its ELG Plan 14, which was finalized in January, targeted the Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) category for continued study and added the Metal Finishing category to a multi-sector study of PFAS discharges.

The Biden **EPA** earlier this year took comment on an advance notice of proposed rulemaking to identify industrial sources that may warrant further study for potential regulation of PFAS through national ELGs, with drinking water utilities and environmentalists urging the agency to look beyond the OCPSF sector.

Using available sampling data, **EPA** verified that PFAS, including legacy long-chain PFAS and short-chain replacement PFAS, are present in wastewater discharges from OCPSF facilities, the agency says in a fact sheet on the preliminary ELG plan.

The agency says it also plans to revise the metal finishing ELGs to address PFAS discharges from chromium electroplating facilities. **EPA** found that the use of PFAS-based mist/fume suppressants at these facilities results in wastewater containing PFAS, and data indicate that PFAS, including both legacy long-chain PFAS and short-chain replacement PFAS, are present in wastewater discharges from these facilities, the fact sheet says. Additionally, **EPA** identified several chromium electroplating facilities that have effectively reduced effluent concentrations of PFAS using granular activated carbon treatment.

EPA's release last week of a draft testing method for PFAS in a variety of media, including wastewater, will allow the agency to move forward with developing ELGs for reducing PFAS discharges.

Meat Processing

The preliminary plan also says **EPA** has completed its detailed study of the Meat and Poultry Products category, which covers slaughterhouses, meat processing plants and rendering operations, and plans to revise the ELGs, which were last updated in 2004.

"The data indicate that this industry discharges the highest phosphorus levels and second highest nitrogen levels of all industrial categories, causes treatment problems at publicly owned treatment works receiving wastewater discharges, and that the existing ELGs only apply to a small portion of the operating facilities nationwide," the **EPA** fact sheet says.

Environmentalists, who sued the Trump **EPA** over its failure to update the slaughterhouse ELGs, are claiming victory in **EPA's** announcement.

"It's great news that **EPA**, in response to our lawsuit, will be finally modernizing the standards for meat and poultry plants across the country," Sylvia Lam, an attorney with the Environmental Integrity Project (EIP), said in a Sept. 8 statement. Lam is one of the attorneys representing environmental groups in the still-pending litigation over the need for new slaughterhouse ELGs.

EIP and dozens of other environmental groups were preparing to send a petition to **EPA** Sept. 9 pressing the agency to update scores of ELGs for major industry sectors that were last revised decades ago. An EIP spokesman says the group and its allies still plan to push **EPA** to update more of its industrial ELG categories, but will be revising their petition in light of **EPA's** announcement, which the spokesman calls "an important step forward."

The preliminary ELG plan also outlines the agency's intent to conduct detailed studies on PFAS in wastewater discharges from landfills as well as textile and carpet manufacturers. The agency identified landfill leachate as a source of PFAS to the environment resulting from disposal of products that contain PFAS, and identified textile and carpet manufacturing wastewater as a source of PFAS to the environment resulting from the use

of PFAS chemicals in manufacturing at these facilities, the fact sheet says.

Additionally, **EPA** says it intends to propose a supplemental rule for the steam electric power generating ELG in fall 2022, following a July 26 announcement that the agency is initiating a rulemaking process to strengthen certain discharge limits for certain wastewater streams from coal power plants that use steam to generate electricity.

Finally, the preliminary plan provides updates to ongoing point-source category studies of the Electrical and Electronic Components category and the Multi-Industry PFAS study, and indicates that **EPA** does not intend to take further action on oil and gas extraction wastewater management at this time, the fact sheet says.

It adds that the preliminary plan also provides initial results from **EPA's** review of the following existing point-source categories: Metal Products and Machinery, Explosives Manufacturing, Canned and Preserved Seafood, Sugar Processing, Soap and Detergent Manufacturing, and Landfills.

Once published in the Federal Register, **EPA** will take comment on the preliminary plan for 30 days and is particularly seeking comment on four areas, according to a pre-publication version of the Federal Register notice.

These are feedback on the agency's cross-category rankings analysis and whether the agency should prioritize other point-source categories ahead of the ones **EPA** is studying and revising; comments on the capabilities, performance and costs of membrane treatment technologies for industrial wastewater to support the membrane technology review; comments on how best to incorporate environmental justice into the ELG planning process; and feedback on the findings of the multi-industry PFAS study, specifically findings from pulp and paper manufacturers and commercial airports.

Trump **EPA** water officials have questioned the Biden administration's emphasis on the use of membrane technology to treat power plant discharges. -- Lara Beaven (lbeaven@iwpnews.com)

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EPA plans to add rare federal facility site to NPL

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September 9, 2021 **EPA** is moving to update its Superfund National Priorities List (NPL) of contaminated sites, proposing 13 sites, including a rare federal facility site, to be added to the list while finalizing a rule that adds four other sites to the NPL.

In a Federal Register notice slated for publication Sept. 9, **EPA** said it is proposing an additional 13 sites to the list, including the Army Corps of Engineers' Bradford Island facility in Cascade Locks, OR, which has contamination levels of toxic polychlorinated biphenyls (PCBs) that are the highest in the Pacific Northwest.

The site, which is part of the federal Bonneville Dam complex, sits on the Columbia River, and drew a push by the states of Washington and Oregon and the Yakama Nation tribe for inclusion on the list.

An **EPA** source previously told Inside **EPA** that naming a federal facility to the list was a highly unusual move for the agency over the past decade or so. "Usually we get stopped by" the White House Office of Management & Budget (OMB), which reviews such plans and oversees inter-agency discussions on regulations affecting federal agencies, the source said.

The move also signals federal officials may be willing to take a tougher line with federal facility sites just as **EPA** prepares to regulate per- and polyfluoroalkyl substances (PFAS), which could open the door to many more federal sites being listed.

In a sign that such proposals can have benefits, the agency says it is withdrawing a previously proposed site -- Highway 71/72 Refinery in Bossier City, LA -- because a responsible party is now advancing the cleanup under **EPA's** oversight.

The action to add Bradford Island is drawing praise from Washington state and Yakama Nation officials. "This is great news for protection of the Columbia River," Washington State Department of Ecology Director Laura Watson said in a Sept. 8 press release. "We are hopeful that this highly contaminated site will finally get the resources it needs to ensure a cleaner river with healthier salmon."

And Yakama Nation Fisheries Superfund official Rose Longoria told Inside **EPA** the tribe is "excited, relieved and gratified" that the "federal facility family" came forward with the listing, noting that the tribe knew that the site's score was high enough for listing, with PCBs in resident fish at 180,000 parts per billion. The tribe and states sought the listing during the Trump administration but had been unsuccessful.

Besides Bradford Island, the other 12 sites being proposed are: Lower Neponset River in Boston/Milton, MA; Meeker Avenue Plume in Brooklyn, NY; Ochoa Fertilizer Co. in Guanica, PR; Bear Creek Sediments in Baltimore County, MD; Paden City Groundwater in Paden City, WV; Westside Lead in Atlanta, GA; Galey & Lord Plant in Society Hill, SC; National Fireworks in Cordova, TN; North 5th Street Groundwater Contamination in Goshen, IN; Michner Plating -- Mechanic Street in Jackson, MI; Southeast Hennepin Area Groundwater and Vapor in Minneapolis, MN; and Unity Auto Mart in Unity, WI.

EPA says its list of proposed NPL sites includes sites with lead and PFAS, two cleanup priorities for the administration., though it did not say which of the sites is contaminated with the substances. The move comes even as the agency continues to contemplate

designating certain PFAS as Superfund "hazardous substances," which would trigger **EPA's** authority to compel cleanup and recoup cleanup costs from responsible parties.

The agency Sept. 8 also announced it is finalizing four sites to be added to the NPL. The four sites are: Pioneer Metal Finishing, Inc. in Franklinville, NJ; Northwest Odessa Groundwater in Odessa, TX; Cherokee Zinc - Weir Smelter in Weir, KS; and Billings PCE in Billings, MT.

EPA is also pledging to update the NPL twice a year, adding sites more regularly.

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EPA Grapples With Scientific Hurdles Of Cumulative Risk Amid Policy Push

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September 7, 2021 Top **EPA** scientists say they are struggling to advance the use of cumulative risk or impact analyses to better account for the risks faced by poor and minority communities even as Administrator Michael Regan seeks to advance the use of such approaches and has requested an agency review of legal authority to do so.

"The problem remains of how to bring to bear the complex interactions with the built social and chemical environment into our regulatory paradigm," Andrew Geller, the acting National Program Director of the Sustainable and Healthy Communities Research Program in **EPA's** research office (ORD) told members of an NAS committee tasked with advising ORD on emerging scientific and technological advances during a Sept. 1 meeting.

Geller reminded the committee that **EPA** and its research office has long experience with the traditional "source to outcome chemical risk assessment" approaches that have long undergirded **EPA's** regulatory and other decisions and acknowledged the scientific and technical challenges to implementing more holistic analyses of risk.

"The question is, how do we go from this traditional chemical risk assessment paradigm to this broader paradigm that incorporates non-chemical factors that play a role in disparate

exposures and health outcomes?"

Geller's comments underscore the hurdles the Biden administration has as it seeks to bolster its assessment of risks faced by environmental justice communities that face a disproportionate burden from exposures to climate change, as well as a host of chemicals and pollutants in multiple environmental media and from a range of different sources, such as commercial, industrial or agricultural facilities, road traffic and transportation hubs.

Those factors often overlap with the adverse effects of poverty, racism and other social and economic factors, such as limited health care access, poor quality schools, violence and substandard housing, leading to a complex challenge for regulators tasked with protecting residents of those communities from environmental and other harms.

In particular, efforts to evaluate and regulate complex environmental hazards have been stymied by the "stovepiping" of environmental statutes and the **EPA** programs they authorize into media-specific silos -- in addition to the isolation of federal statutes and agencies' inability to address broader enforcement and permitting issues.

ORD's work on cumulative assessment dovetails with legal efforts Regan has been making to bolster **EPA's** authority to address cumulative impacts, including by asking agency lawyers to determine whether the agency can interpret regulations "in a different way" in order to do so.

Regan told state officials in July that in addition to discussing the issue with the Office of General Counsel, he is having "conversations with the House and Senate about potential legislative changes we need to see to give us clear authority to evaluate cumulative impacts" in the way communities are asking the agency to do.

Regan reiterated his push in a recent tour of environmental justice communities in New Jersey and New York with Democratic Sen. Cory Booker (NJ) and Rep. Paul Tonko (NY), a trip he wrote about in a Sept. 1 tweet. "The pollution adds up. This has been ongoing on in too many communities across the country. This is what we mean by cumulative impacts." Regan tweeted.

The agency is distributing \$50 million in grants from Congress' COVID relief legislation "towards EJ projects for communities like these," Regan added.

Technical Challenges

Geller's remarks, however, underline how technically challenging it may be to use cumulative impact analysis in regulatory decisionmaking, even as he outlined ways in which ORD, in partnership with some **EPA** program offices, is advancing some aspects.

"To move forward we need to consider the environment more broadly," Geller said, adding that during the past five years, **EPA** has been working on research to advance understanding of the total environment including the concept of the exposome, "the cumulative measure of environmental influences and associated biological responses throughout the lifespan including exposures from the environment, diet, behavior as well as the endogenous processes resulting from these exposures."

Geller said ORD has been "engaged in outcome-based research on the total environment, especially though children's research" including projects involving "systematic reviews and meta-analyses of obesity, general cognitive ability, ADHD, social determinants of health

and socio-demographic factors and particular pollutants."

Geller also focused on work **EPA** is doing to identify biomarkers that can be used in an allostatic load to measure overall physiological health, which he said "are really important because they are needed to get past the challenges of needing to measure everything or how we reconstruct a lifespan."

But while ORD has conducted some research in this area, Geller said that "a broader question remains, can biomarkers serve to operationalize the exposome? Will those be able to be fitted to that aggregate exposure pathway, adverse outcome pathway paradigm." Another needed challenge, he said, is understanding "how to quantify social stress to use together with these biomarkers."

Health Impact Assessments

Geller and colleagues provided some examples where **EPA** has worked with individual communities on health impact assessments to help residents better understand cumulative impacts to develop planning for the community, or make decisions on developing brownfields. He also noted the use of some social elements in recent Integrated Science Assessments that underly National Ambient Air Quality Standards (NAAQS) decisions on six criteria pollutants and screening level tools **EPA** has developed, including EJSCREEN and EnviroAtlas.

Tim Barzyk, an ORD scientist, said that he recently worked with **EPA's** brownfields office on a project in Rockford, IL, which sought **EPA's** guidance on how to develop. "We put together a range of health determinants that could be affected by development like greenspace, crime and safety," Barzyk said. He added that he and colleagues are now "synthesizing the work into a simple worksheet for other brownfields developments" trying to address questions such as "best strategies for learning about housing decisions."

But he noted that **EPA's** brownfields program is "an area where we had an in" to work on cumulative impact issues. "Not all programs do, at least currently. If we could identify program offices that have some of that leeway, for example [the National Environmental Policy Act (NEPA)] and Superfund because of the range of impacts they can consider -- NAAQS would be much more challenging to impact that kind of structure without change to how **EPA** does things. Those mandates do effect certain types of activities but at the local level they do have cumulative impacts."

Barzyk suggested in the longer term, considering "certain types of facilities, is there anything we can take that is ubiquitous and impactful and input into bigger program" could be a way to "help feed the science into the policy making long-term."

EPA has asked the NAS committee, chaired by Dan Greenbaum, president of the Health Effects Institute, to "identify emerging scientific and technological advances from across a broad range of disciplines that [ORD] should consider in its research planning to support **EPA's** mission for protecting human health and the environment" and "recommend how ORD could best take advantage of those advances to meet current and future challenges during the next 10-20 years."

The agency specifically asked the committee to consider topics including "biotechnology, data science (along with artificial intelligence and machine learning), climate impacts, environmental monitoring and sensors (outdoor and indoor), and impacts of stressors on ecological and human health. The committee also will consider advances that help **EPA**

better incorporate systems thinking into multimedia, interdisciplinary approaches." -- Maria Hegstad (mhegstad@iwpnews.com)

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After Years Of Debate, Some Seek Return To Original WOTUS Policies

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September 8, 2021 Two decades after the Supreme Court first targeted **EPA's** regulatory definition of the waters of the United States (WOTUS), some groups are urging Biden officials to return to the original measures that were in place at the time though industry and environmentalists are pushing for a return to the Trump or Obama definitions, respectively.

In recently filed comments, drinking water utilities say neither the Trump nor Obama administrations adequately addressed some of their concerns and as such, recommend a return to pre-2015 policies.

This includes rules and other policies promulgated in the 1980s and further interpreted by guidance issued after the Supreme Court's 2001 ruling in Solid Waste Agency of Northern Cook County (SWANCC) v. Army Corps of Engineers and the high court's subsequent 2007 ruling in Rapanos v. United States.

Wetland and stream mitigation providers are echoing this approach, saying it offers the best option for durability.

By contrast, industry and environmental groups continue to spar over whether the Trump-era rule, known as the Navigable Waters Protection Rule (NWPR), or the Obama-era regulation, known as the Clean Water Rule, are the best interpretations of the CWA's scope, with some modifications.

For example, the American Petroleum Institute in Sept. 3 comments encourages the agencies "to retain the overarching principles of the" NWPR, which the organization says it believes properly implements the overall objective of the CWA "to restore and maintain the integrity of the nation's waters, as Congress has determined should be federally

regulated under its Commerce Clause powers, while adhering to Congress's policy directive to preserve States' primary authority over land and water resources."

The American Farm Bureau Federation makes similar points in its Sept. 3 comments, saying that rather than expending resources on a new rulemaking, the agencies should focus on other CWA actions to improve water quality.

And, the Southern Environmental Law Center (SELC), representing 85 environmental organizations, urges the agencies in Sept. 2 comments to promulgate a new WOTUS definition that goes beyond the Obama rule.

A new WOTUS rule should incorporate the scientific literature published in, and since, **EPA's** 2015 Science Report; identify and address the potential impacts of any revised definition of WOTUS on environmental justice communities; factor in the implications of climate change; restore a science-based, functional approach to the determination of stream and wetland jurisdiction; restore the jurisdictional category for "interstate waters"; and modify or eliminate several harmful exclusions that appear in the NWPR, SELC says.

The Biden administration is continuing to emphasize its desire to craft a "durable" WOTUS definition to avoid continuing the pendulum swings that have occurred during the Obama, Trump and the current administrations, but former **EPA** water officials have questioned whether a middle-ground approach is possible.

Late last week, **EPA** and the Army of Corps of Engineers halted implementation of the Trump-era definition and returned to pre-2015 policies after a federal judge in Arizona vacated and remanded the rule, even though the legal question of whether a district court can vacate a national rule remains unsettled.

As an initial step in its planned rulemaking process, **EPA** and the Corps took comment on nine specific aspects of defining WOTUS, including implementation; the scope of adjacency, jurisdictional tributaries and jurisdictional ditches; climate implications; environmental justice considerations and exclusions from the definition.

Concerns Not Addressed

In its Sept. 3 comments, the American Water Works Association (AWWA), which represents a variety of drinking water utilities, says that it remains concerned about several issues that have not been addressed or only partially addressed in previous WOTUS rulemakings.

AWWA says it has noted these concerns in comments on the Obama administration's Clean Water Rule proposal, the first and second rounds of comments on the Trump administration's proposal to repeal the Clean Water Rule, in the Trump administration's request for comments on the "direct hydrologic connection to surface water" and in comments on the proposed NWPR.

"The below comments build upon the themes and concerns mentioned throughout these previous rulemakings. As many of these concerns remain, these comments build heavily off of those past submissions with additional information introduced or adjusted based upon new information," AWWA says.

Among the utilities' recommendations is that **EPA** and the Corps should reaffirm and retain the pre-2015 rules. A common theme woven across AWWA's prior comments is the

need for **EPA** and the Corps to balance the importance of the CWA as a critical tool for protecting sources of drinking water with the need for expedited and straightforward permitting to allow efficient water infrastructure construction and maintenance, the utilities say.

To achieve this, the agencies should retain the post-SWANCC status quo practice, which the Biden administration has referred to as the pre-2015 rules, AWWA says. And **EPA** and the Corps can accomplish this by completing a rulemaking designed to return the post-SWANCC status quo definition and withdrawing the current rulemaking or modifying it to conform to post-SWANCC practice with additional guidance based upon Rapanos, they say.

"We believe this is the most appropriate mixture of protecting sources of drinking water and streamlining infrastructure and permitting among the options currently being considered," AWWA says.

Moving forward, **EPA** and the Corps should focus exclusively on updating the 1986/1988 regulatory definition to fully conform to current practice, including post-SWANCC and post-Rapanos guidance, the comments say. "This pathway would lead to regulatory certainty by reducing the reliance on what many stakeholders consider to be a challenging set of legal opinions and guidance documents for decision-making," AWWA says. "However, in achieving this regulatory certainty there would be a need only to fully conform this rule and associated guidance with the pre-2015 rule practice, thereby continuing to provide protection of sources of drinking water while minimizing economic impacts, consistent with Executive Order 13990."

AWWA also says meaningful stakeholder engagement and appropriate analysis is essential and that the agencies should consider delayed implementation of a new WOTUS definition. "This will allow time for states to adjust their statutes and regulations to address changes to federal environmental and public health protections and will give impacted entities (including water sector utilities) time to analyze the potential impacts of the change and take action to address any specific concerns that will arise from it," AWWA says.

Other recommendations from AWWA include providing exemptions necessary for water infrastructure, continuing to review and update nationwide permits, and retaining coverage of "direct hydrologic connections" to surface water.

AWWA says it generally agrees that groundwater should not be included in the definition of WOTUS but discharges which have a direct hydrologic connection to surface waters are the exception. Without this essential protection, discharges could be rerouted to discharge in the subsurface and flow into surface waters without a National Pollutant Discharge Elimination System permit, which would clearly circumvent the intent of the CWA and should be prevented by retaining this permitting coverage.

Mitigation Providers

The Ecological Restoration Business Association (ERBA), which represents wetland and stream mitigation providers, also urges **EPA** and the Corps in Sept. 3 comments to return to the pre-2015 approach, saying this offers the best option for durability.

The organization says it is pleased the agencies plan to restore the pre-2015 interpretation as a first step, saying the pre-2015 definition "represented an era of relative stability in jurisdictional interpretations when permittees and mitigation providers had

enough predictability to invest in mitigation needs."

The group warns that regulatory uncertainty limits investments in its members' projects, limiting supply of credits to regulated entities and slows permitting of key infrastructure projects.

"This regulatory uncertainty dis-incentivizes investment in wetland and stream restoration and subsequently places growth in the broader ecological restoration industry--an estimated \$25 billion in annual economic output and 225,000 jobs--at risk," ERBA says.

The group also criticizes the Trump-era definition while noting it was easier to implement the Obama-era rule. "ERBA members have seen Corps' District project managers struggle with, and vary in, their interpretations of a 'typical year' and 'ephemeral' versus 'intermittent' tributaries," key terms in the NWPR for determining what waters are covered by the CWA, the comment says.

In multiple instances, ERBA members have been on site with up to three Corps regulators conducting a jurisdictional determination and, even after several hours of deliberation, the regulators still cannot decidedly agree on how to classify the aquatic features on that tract, especially in the western United States where precipitation conditions for water bodies are in flux due to extreme weather events and climate change, the comments say.

"This current situation under the NWPR is ripe for case-by-case and subjective decisions that result in a patchwork of jurisdiction and regulatory inconsistency for permittees and mitigation providers," ERBA says. -- Lara Beaven (lbeaven@iwpnews.com)

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CSVT southern section will be reviewed by Federal Highway Administration

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The Federal Highway Administration will soon review PennDOT's plans for the southern section of the Central Susquehanna Valley Transportation project, according to PennDOT.

Matt Beck, a PennDOT assistant plans engineer, updated members of the Greater Susquehanna Valley Chamber of Commerce Transportation Committee on Friday on where the southern section of the \$865 million CSVT project stands. Last month, Beck announced that the state Department of **Environmental Protection**, the U.S. Army Corps of Engineers and the Snyder County Conservation District finished their review of the projects and issued approval and permits.

"With permits in hand, we have recently been able to put some finishing touches on plan details that are necessary to satisfy our environmental requirements," said Beck. "We've also had those plans reviewed by our central office and we'll soon have them reviewed by FHWA as well to confirm we're ready to advertise for bids when we've obtained right-of-way and utility clearances."

Beck said 80 percent of the landowners have been settled for right-of-way acquisition and negotiation. PennDOT is also working with utility companies to raise or shift lines along the route, he said.

"Overall, we made good progress this year and we remain on track for work under that first construction contract in that southern section to start next year," said Beck.

The first contract will involve 5 million cubic feet of earthwork. The second contract will involve the construction of nine bridges and noise barriers. The third will be the paving and the interchange at existing Routes 11/15 and 522, he said.

"Each contract will take roughly two years to complete, with the first contract to start next year," said Beck. "We continue to anticipate the southern section will be completed and open to traffic in 2027 as we've been targeting."

Ted Deptula, the assistant construction engineer for PennDOT District 3-0, said concrete is in place and crews are putting asphalt over the northern section of the project until it's finished in October. The final piece of the project will be constructing the southbound lane between Route 405 and the four-lane section of Route 147 south of Montandon.

The northern section with the \$156 million river bridge will be ready for drivers in 2022. Deptula anticipates a fall opening.

"It's been a long time coming and we're nearing the end," said Deptula.

Jim Saylor, director of the SEDA Council of Governments, said the results of a CSVT study on economic development along the route will be revealed on Monday. The virtual meeting will be held live at 6 p.m. on www.lyco.org/csvt.

Transportation Committee Chair Joe McGranaghan, also the mayor of Shamokin Dam, said the project has been "a community effort" over the last four decades.

"This project has been one of the best examples of bipartisanship that could possibly be out there," he said.

Both Democratic and Republican legislators and elected officials have teamed up to make the project a reality, said McGranaghan.

"It's an exciting time to be in this area and I think we're going to see some exciting changes as this project comes online," he said.

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Clean Air Council appeals on construction of natural gas-fired power plant

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The Clean Air Council is challenging the Pennsylvania Department of **Environmental Protection** over a potential natural gas-fired power plant that is being considered in Washington County.

Clean Air Council filed its notice of appeal to the Environmental Hearing Board over what it said was DEP's revival of a previous approval after dismissing a later application for the 1,000-megawatt Beech Hollow gas-fired power plant in Robinson Township, Washington County. Robinson Power Co. LLC, which would own the plant, had received a modified air quality plan approval from the DEP on June 14. Construction had begun on the plant, according to DEP documents.

But a modified approval plan that had been submitted after June 14 was stopped by DEP at the request of Robinson Power, and under the terms of the previous approval construction could resume as it long as it begins by March 28, 2022.

In its appeal filed Tuesday, Clean Air Council disputed that DEP could allow the previous approval to move forward. It said the previous approval no longer existed once the modified approval plan was submitted.

"The Department cannot put a new plan approval in place without following all regulatory processes for the issuance of a new plan approval, regardless of whether the new plan approval is identical to a previous plan approval," Clean Air Council said.

Clean Air Council said that allowing the construction and operations of the natural gas plant without approval would be at odds with the Air Pollution Control Act and the Clean Air Act. It also said that other procedures haven't been followed.

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